

July 1974 75°

(MORE)

The Delicate Art Of Not Covering The Art Scene

Exclusive! Now It Can Be Told...



Marty Norman

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The days of I CHOPPED UP HER BODY AND STORED IT IN THE FREEZER are over. Now the *National Enquirer* sits alongside Ivory Snow in the supermarkets, serving up a grab-bag of celebrity gossip, UFO sightings, diet advice, and tear-jerking tales. *Enquirer* reporters with hefty expense accounts trot the globe, and the once-lurid tabloid trails only *TV Guide* in supermarket sales. Behind the metamorphosis is Generoso Pope, Jr.—whose friends have included racketeer Frank Costello and Cong. Mario Biaggi.

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JULY 1974

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[MORE] Volume 4, Number 7 is published monthly by Rosebud Associates, Inc. Subscription rates: 1 year, \$10.00; 2 years, \$18.00; 3 years, \$25.00. All subscription correspondence: [MORE] P.O. Box 576 Ansonia Station New York, New York 10023 All editorial, advertising and other correspondence: [MORE] 750 Third Avenue New York, New York 10017

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LETTERS

Teapot Tome

David Rubin ["The Marketing Of Watergate"—May, 1974] incorrectly states that "Through 1930 . . . not a single participant had written an account of the [Teapot Dome] scandal. . . In 1932, Attorney General Harry Daugherty became the only participant to produce a Teapot Dome book."

In fact, a most fascinating book entitled *The Strange Death of President Harding* was published March 20, 1930, by Gold Label Books, Inc., and was successful enough to go through eleven printings. The book was written by an ex-Department of Justice investigator named Gaston Means ("as told to



Harding: Done in by the missus?

May Dixon Thacker") who was a star witness for the government in its prosecution of the Teapot Dome case. Means wrote the book after spending three years in the Atlanta Penitentiary for his part in the scandal, and he seems to have been quite a character, a combination of McCord, Hunt, and Ulasciewicz, with a bitter urge to confess. His confessions include (in florid, horrid prose) tales of Georgetown orgies attended by Harding, cloak-and-dagger money-washing operations, and strangely familiar portraits of a corrupt crew surrounding the rather limp President Harding. Much of the book is devoted to proving Means' assertion that Mrs. Harding poisoned her husband (Means had been employed by Mrs. Harding to tail her hubby during his dalliance with Nan Britton).

Gaston Means was reputedly a liar and an opportunist, and undoubtedly *The Strange Death Of President Harding* is a most distorted view of history. Nonetheless, it's a fun book which could probably do well if re-issued now, and, anyway, who could resist a title like that?

—Rex Weiner
New York News Service
New York, N.Y.

Gay Perspective

I was pleased to participate in a panel at Liebling III but our topic ("The Media and

the Hidden Minority") did not seem to attract the audience that we feel has the most urgent need of our message. I am talking about the lack of an up-front gay perspective in the media. A recent issue of [MORE] provides a good example. In your May survey of the "Ten Worst" newspapers, you include the *Manchester (N.H.) Union-Leader*, and you mention this paper's front-page editorial headline BOOT THE PANSIES OUT OF UNH. But in reporting the "results of this type of campaign," all you mention is "niggardly funding" for the school. Nothing about what such a campaign means for its victims, the gay people of New Hampshire. Just for the record, such a campaign has a double-edged result—on the one hand, the courageous few who are sticking their necks out are more than ever confirmed in the need to fight for their rights, while on the other hand, many gay people must suffer the results of a painful wave of anti-homosexual hysteria whipped up by the *Union-Leader*, and this means fear, self-hatred and continued closetry.

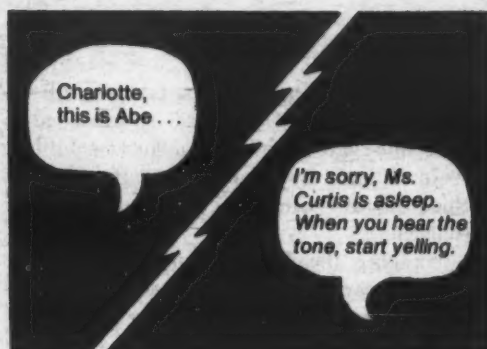
You chose to ignore gay people and our experience; an up-front gay journalist on your staff would not permit this to happen. The same kind of dynamic repeats itself constantly in the American press every day. I know of at least two gay journalists, myself included, who have attempted to offer readers of [MORE] a gay perspective on the news, but our efforts have been rebuffed on the grounds that you once published an article by Merle Miller ["Gay Liberation is Not Lovable"—March, 1972]. No, no one planned a demonstration at the convention, as you reportedly feared, but perhaps we should have.

—Allen Young
Grange, Mass.

An Announcement

[MORE] is expanding. We are seeking an additional editor for the staff (see advertisement on page 21), and with this issue David Halberstam and John D. Marks join the magazine as contributing editors. In many ways, Halberstam has been a contributor and supporter since he appeared in our pilot issue (June, 1971) with an article on the late Mert Perry, a fellow correspondent in Vietnam. Halberstam's books include *The Making of a Quagmire* and *The Best and The Brightest*, both published by Random House, for which he is now writing a book on how the nation got to Watergate . . . Marks is the co-author with Victor Marchetti of the recently published *The CIA and the Cult of Intelligence* (Knopf), an excerpt from which appeared here in April. He also wrote last month's article about the dispute between *The New York Times* and Roger Morris over Morris' piece in the *Columbia Journalism Review* about Henry Kissinger and the media. Marks will work out of Washington.

HELLBOX



Continuing Sagas

Three years ago, in our pilot issue, Charlotte Curtis of *The New York Times* wrote a superb, inside account of the departure of Willie Morris as editor of *Harper's* magazine ("An Adventure In 'The Big Cave'"—June, 1971). One result was that *Times* managing editor A.M. Rosenthal stormed into her office in the family/style department (of which she was then editor) and ranted loudly about how she was giving aid and comfort to the enemy. Okay, at least that was on company time.

Now we learn, however, that after reading the May 11 *Times* Op-Ed page excerpt of Roger Morris' *Columbia Journalism Review* article on Kissinger and the media, Rosenthal went into a mega-frenzy. Furious over Morris' criticisms of the *Times* ("The Story That Never Was?"—June, 1974), Rosenthal called Curtis (new Op-Ed page editor) at 3 a.m., woke her out of a sound sleep and berated her for half an hour for, among other things, trying to do him in.

When we called the *Times* to discuss the tantrum with the managing editor of the world's best newspaper, we were told he was in Alaska. Cooling off, we hope.

—R.P.

Record Delay?

After CBS fired Clive Davis as chief of Columbia Records, its mammoth music subsidiary, evidence of a massive drug and payola scandal in the booming rock music business came to light. CBS News president Richard Salant said a special unit would investigate the affair and declared that "we don't know how long it will take, but the unit will keep probing."

It has taken a full year, but the team headed by Stanhope Gould is now cutting the promised expose series for airing on the Cronkite news show sometime this summer. So far officials at Columbia Records have proved no more willing to talk to reporters from CBS News than to any other newsmen. In early July, 1973, Joel Siegel of WCBS, the network's wholly-owned New York station, did a five-part report on the rock music industry on the 11 p.m. newcast. Siegel's cameras were relegated to panning up and down the side of Black Rock, the corporation's midtown headquarters, when Columbia Records officials refused even to speak to them. The CBS News unit has run into the same problem: although they have spoken to sources within the record division, they are still trying to get a formal interview with Goddard Lieberman, head of the division since Davis was fired.

The investigative team is planning on a

three-part series that will probably run about seven minutes per segment. Asked when the series will finally be aired, Salant says, "I don't think it's right for news organizations to give status reports on where their investigations stand," and he simply advises viewers to stay tuned.

Some insiders at CBS have attributed the series' delay to the amorphous nature of the story and to the methodical style of the investigative unit. They also point out that during the past year the reporting team has been pulled off the records assignment to cover such stories as oil, automobile fuel tanks, and the milk fund. Time was also expended on stories that never panned out, including reports on the Vesco affair and kickbacks in the construction industry.

Sources on the Cronkite show say they have no indication that corporate concern over a public house-cleaning ever filtered down to the unit. "If there was anything shady I would have at least heard about it," says one staff member. Still, the long delay in airing the pieces has increased speculation that quiet pressures from nervous executives at Black Rock have traveled crosstown to top officials of CBS News on West 57th Street.

—STEPHEN MARMON

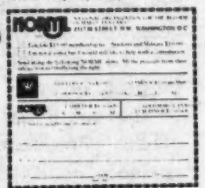
Keep Off The Grass

In recent weeks both *Time* and *Newsweek* have refused to sell space to the National Organization for the Reform of Marijuana Laws, a non-profit group lobbying for "decriminalization" of the drug. NORML's full-page coupon ad, shown here, says there are nearly 26 million marijuana smokers, who are "potential criminals simply by being in possession of it." The ad also refers to reports citing the drug's harmlessness and to legislative advances made in various states. "It's a straight ad aimed at bringing marijuana smokers out of the closet," says NORML director R. Keith Stroup.

Last year, 300,000 Americans were arrested for smoking an herb that Queen Victoria used regularly for menstrual cramps.



BEWARE!
The herb of course, is cannabis sativa. Other names known as marijuana, pot, grass, hemp, hash, mary jane, ganja, the munchies are legion.
So are the people who smoke it.
By all accounts, it's fast becoming the new national pastime. Twenty-six million smokers, by some accounts, less more by others. Whatever the estimate, a staggering high percentage of the population become potential criminals simply by being in possession of it. And the numbers are increasing.
For years, we've been told that marijuana leads to madness, sex crimes, hard drug usage and even violent acts.
Pure Victorian poppycock.
In 1894, The Indian Hemp Commission reported marijuana to be relatively harmless. A fact that has been substantiated time and again in study after study.
Including most recently by the President's own Commission. This report stands as an indictment of the pot law themselves.
And that's why more and more legislators are turning on to the fact that the present marijuana laws are as archaic as that old Victorian code of morality. And that they must be changed. Recently the state of Oregon did so. And the criminal marijuana laws are dead.
Other states are beginning to move in that direction. They must be encouraged.
NORML has been and is educating the legislators, working on the courts and with the lawmakers to change the laws. We're doing our best but still we need help. Yours.



NORML ad rejected by *Time* and *Newsweek*

Time readers who smoke will have to stay in the closet a while longer. The newsweekly's Copy Acceptance Committee rejected the ad and refused to say why, a position which effectively forces a rejected advertiser to blindly revise copy or art on the chance it may eventually prove acceptable. Stroup says he has heard that the non-euphemistic reference to Queen Victoria's "time of the month" probably offended the committee. But *Time*'s Washington divisional manager, John Pflieger, who originally sent the ad to copy acceptance in New York, speculates that *Time* is not ready to deal with the marijuana question in places other than its news columns. "Call Lou Slovinsky," said Pflieger. "He could probably give you a better reason as to why it was rejected." Says corporate public affairs spokesman Slovinsky: "We don't reveal our criteria."

NORML was next spurned by *Newsweek*, which does not accept advertising dealing in any way with marijuana. The reasons for this policy, says assistant director of public affairs Richard Lynch, are "because that's our policy." As with all questionable advertising, after several preliminary reviews the final decision to reject was made by publisher Robert Campbell. In a letter to Campbell, Stroup says that on June 6 he was told by *Newsweek* Washington manager Douglas Jeppe that "in Catch-22 fashion [Campbell] reportedly said [he] would have no objection to the ad if marijuana were legal." Since Campbell would not return [MORE]'s calls, Jeppe was asked to recall the conversation Stroup says they had a week earlier. "It's all sort of hazy," Jeppe says. "I'm not sure I remember it at all."

NORML's membership is culled almost entirely from coupon ads that have appeared in *Playboy* and *Oui* in space donated by the Playboy Foundation. This was its first attempt to purchase space in major media. The necessary funds—approximately \$10,000—were donated by an individual who specified the ads be run in "a major straight publication." Stroup plans to take the cases to court.

—CLAUDIA COHEN

Mudd-Slinging

When Sen. Howard M. Metzenbaum lost the Ohio senatorial primary by 100,000 votes in May, David Skylar—the senator's confidante and board chairman of Metzenbaum's string of suburban Cleveland *Sun* newspapers—had one ready explanation: Metzenbaum was the victim of a conspiracy among CBS News correspondent Roger Mudd, the Kennedy family and primary victor John Glenn.

Mudd had arrived in Cleveland on April 22 to film a report on the upcoming primary. Upon examining the previous month's 11 weekly *Sun* papers, Mudd found that some 440 column inches chronicled Metzenbaum's activities, but only about 40 column inches were devoted to Glenn. More or less typical was the April 11 issue of the *Sun Post*, which circulates in such affluent eastern Cuyahoga County suburbs as Shaker Heights. Above the logo and spread across page one was a story entitled METZENBAUM PUTTING SOHIO OVER THE

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HELLBOX

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BARREL, which jumped to the second page. Filling out the rest of page two were three stories headlined, MRS. METZENBAUM TELLS SENATOR'S PLANK FOR AGED, POLISH GROUP ENDORSES METZENBAUM and ENDORSEMENT OF GLENN DENIED BY UAW CHIEF.

With the state's largest concentration of Democratic voters, Cleveland and Cuyahoga County are considered critical to any Democratic candidate. And because *The Plain Dealer* and *Cleveland Press* do not cover the suburbs in depth, the *Sun* newspapers, with an (unaudited) circulation of 275,000, are the hometown papers for more than a million persons in Cuyahoga County.

Skylar denied that Metzenbaum's ownership affected editorial policy, noting that "anybody who comes from our area we cover damn good. Besides, during the whole campaign we only got one news release from the Glenn people. That doesn't show much interest on their part." But *Sun Post* editor Dick Murway says he told Mudd that Metzenbaum's ownership was in fact one consideration in determining coverage.

At one point, Skylar telephoned CBS unit producer Joel Bernstein in New York to read him an editorial saying that the *Sun* papers would not endorse any candidate, because, according to Bernstein, "Metzenbaum was their owner and he [Skylar] didn't think it would look good." Skylar's editorial ran on the front page of all 11 *Sun* papers on May 2, entitled "...we don't want to kid you." The editorial noted approvingly that upon his appointment to the Senate in January, Metzenbaum had put all his *Sun* stock in a blind trust "so that there can be no possible suggestion that...I might in any way affect the editorial...policies of these papers." The editorial continued, "We're not endorsing in this race for national office simply because we don't want to kid you. We feel we've...earned your support by our frankness, openness and candor."

That same evening, Mudd's Ohio report—including his column inch count—was aired on CBS. The primary was four days later. Skylar has charged that "it was just typical cheap political crap. I don't think anybody gives a shit what the *Sun* papers do. It was all to get at Metzenbaum." Mudd, he notes, was a Kennedy intimate, as was former astronaut Glenn. "And that's why he came out here."

Says Mudd: "Skylar knows better than that."

—TED JOY

Corrections

On page 6 of the June issue, a caption was inadvertently left off the photograph of panelists at Liebling III discussing the question of Jewish bias in coverage of the Middle East. They are, from left, Rabbi Arthur Hertzberg, president of the American Jewish Congress; Roger Wilkins, the moderator and a member of *The New York Times* editorial board; Paul Jacobs, author of *Beyond The Rock and the Hard Place*; Noam Chomsky, professor of linguistics at M.I.T.; Rick Smith, a *Newsweek* general editor specializing in the Middle East, and Fawaz Turki, Palestinian author of *The Disinherited*.

ROSEBUDS to *The Southern Patriot* of Louisville, Ky., which each month portrays a reality little known to consumers of the major media—the world of the southern poor. The farm laborer, the poultry worker, the woodcutter, the miner—their labor struggles in small towns across the south are covered, and actively supported, in the pages of the *Patriot*. There is no pretense here to objectivity—strikers may tell their own stories, articles regularly solicit reader support, lists of companies to boycott punctuate each issue—but the *Patriot* is noticeably lacking in rhetoric, its advocacy tempered by its quest for facts.

As the house organ of the Southern Conference Educational Fund, with sub-



Kentucky State Trooper and mine official carry Widow Coombs from her land during protest against strip mining. Photo appeared in the *Patriot*.

scriptions going to SCEF contributors, the *Patriot's* evolution has paralleled the civil rights movement. In the 1950s and '60s, the paper was in effect a newsletter about the south written for and read by northern white liberals. As racial gains were achieved, the *Patriot* began to view the racism of southern working class whites as the major impediment to successful organizing for economic gains. So in the 1970s, the *Patriot* began to shift its readership to the south, to the people they were writing about, by providing such resources as a communications network of news releases and funding appeals for the groups they covered. The *Patriot's* goal became to teach southern whites that their ultimate gains are tied to those of black workers, that both races are fighting the same city hall regardless of geographically disparate battlefields.

To that end, the *Patriot* reports extensively on cases of judicial injustice, which in the south are usually directed against blacks. Frequently these stories become crusades, as in the case of Thomas Wansley, a black man convicted under questionable circumstances of raping a white woman in

Lynchburg, Va. Over the last ten years the *Patriot* has followed the case, spearheaded rallies and letter-writing campaigns to the governor, and, by simply not letting up, helped focus national attention on the situation.

Shaping the *Patriot* philosophy is an historical perspective that regards blacks' contributions to struggles against repression in America as pivotal forces in shifting power to the powerless. Coverage of the miners' strikes in Brookside, Ky., offers a case in point. In the course of regularly following the conflict, what impressed the *Patriot* was the contrast between the bloody Harlan County mine strikes of the 1930s which were led by many blacks, and the Brookside situation, where few if any blacks were even present. "The progressive movement in the nation was applauding Brookside without questioning its being all white," says reporter Ken Lawrence.

The result, in the November, 1973, issue, was an open letter to southern coal miners which, in explanation of the change, noted



that as jobs had decreased in the mining industry, blacks had been the first to be fired. Since the "strength and militancy of black miners...made possible every major advance of the workers in this industry," the letter suggests, white miners should be concerned about restoring a fair percentage of jobs and leadership positions to blacks. Similarly, coverage of the poultry workers' activities in the chicken-processing plants of Forest, Miss. pointed out that, contrary to what some believed, the scabs in that long-standing struggle were whites.

Since southern papers like *The Atlanta Constitution* have begun to follow the black experience and to provide editorial support, much of what the *Patriot* covers is not necessarily unique. But its scope and depth are. For this the paper relies heavily on information and articles submitted by SCEF's 150 board members, who live throughout the south and are actively involved in various labor struggles. Only about five people form the tabloid-size paper's full-time staff, or collective, with Eileen Whelan in Kentucky and Ken Lawrence in Mississippi playing key editorial roles.

Everyone may not agree with the *Patriot* notion, expressed by Lawrence, that "blacks don't have to be won over to the struggle," and that working class southern whites are the weak link in the historical chain of progressivism. Still, this is one major dimension of the problem; and the *Patriot* provides a context in which southerners can view their own struggles, both racial and economic. With a sensitive yet practical approach, and a clear and factual tone, the *Patriot* exemplifies advocacy journalism practiced responsibly and well.

The Anderson Transcripts

BY BRIT HUME

In the months after I left full-time work with Jack Anderson, Watergate emerged as the major story of the day and looked increasingly like one of the biggest scandals in American political history. Jack's column in these months had some important Watergate stories, but he did not lead the way, as he had on so many other stories about government misdeeds. All at once, though, Jack caught up. And in so doing, he got himself into a jam far more ominous than any he had ever been in before.

In mid-April last year, someone contacted Jack's office to offer information. The person spoke to Jack Cloherty, one of two young reporters who had been hired after I left. Cloherty encouraged him to bring his information to the office. The source did: a batch of official transcripts from the grand jury proceedings in the Watergate case. The White House, with a nervous eye on the grand jury, was continuing its bitter and angry denials of the reporting on the case by *The Washington Post* and other news media which dug below the surface.

In those circumstances, the acquisition of the grand jury transcripts was an extraordinary coup. Grand jury proceedings are, by law, secret. The secrecy is designed to protect innocent persons who may be investigated but not charged, and to assure fair trials for those who are. It is also designed to protect witnesses from reprisals from those about whom they give testimony. Although grand juries were once considered a safeguard against malicious prosecution by government, they are hardly that today. In theory, a grand jury is a kind of citizen board of review which must determine if there is sufficient evidence to bring an official charge. In addition, the grand jury has considerable theoretical power to act on its own initiative, deciding what to investigate and which witnesses should be called and what questions they should be asked. In practice, however, grand juries almost invariably end up being rubber stamps for prosecuting attorneys and do whatever the prosecutors want them to do. Thus the grand jury ends up being, in all but the rarest instances, an instrument of government power. In this case, however, a conscientious job by the grand jury and an honest job by the prosecutors stood to cause those in power considerable problems. And the Administration wanted no one to know. Never had grand jury secrecy been so devoutly desired at the highest levels of government.

The transcripts delivered to Jack's office contained some major new revelations and provided sworn confirmation of a number of reports which had already appeared in the press. Here are the most significant:

- James McCord, one of those apprehended in the Watergate, testified that he and his crew of burglars had broken into the same premises three weeks before the night they were caught.

- McCord testified that one of the Watergate ringleaders, E. Howard Hunt, became afraid, after he and his associates were caught, that they were being abandoned by the president's top campaign officials. Hunt, said McCord, sent a three-page letter demanding "to contact someone in the White House."

- Hunt himself testified that he and Gordon Liddy, his co-captain in the break-in, traveled to

Jack Anderson could have faced jail because he published secret Watergate grand jury testimony last year. Here his former associate reconstructs the coup and reveals how the columnist bargained his way out of the jam.

Miami in December of 1971 to set up a vast spy network against the Democrats. He got help, he said, from the CIA which provided him with the name of a lockpicker.

- A top aide to presidential chief of staff H.R. Haldeman, Gordon Strachan, testified that his boss kept \$350,000 in cash stashed in a White House safe during the 1972 campaign, then surreptitiously had the money delivered to a campaign staff member after the election.

This last revelation was of particular significance because *The Washington Post* had reported earlier, and the White House had heatedly denied, that Haldeman had had control of a secret cash fund which was stored in a White House safe.

Jack stretched the contents of the grand jury transcripts out over eight columns, which began running on Monday, April 16. The columns quoted liberally from the documents, without saying explicitly that they were based on secret grand jury transcripts. By the end of the week, other newsmen were quoting the columns and the prosecution sources had confirmed that, as *The Washington Post* put it, "Jack Anderson obviously is in possession of the minutes of testimony before the federal court grand jury."

On Thursday of that week, I got a call from my friend Len Appel, the lawyer with the firm that represented Jack. He was worried that the verbatim excerpts from the transcripts might get Jack into serious trouble. The law prohibits any court personnel, prosecutors or grand jurors from making testimony public. Witnesses are not prohibited from revealing their own testimony, but everyone knew the witnesses weren't the source of Jack's information in this instance. Len said Warren Woods, the partner in the firm who represented Jack personally and was an old friend of Jack's, had sought to reach Jack without success to urge him to cease publishing the excerpts. Although the publication of the material was probably legal because of the First Amendment, Jack could be summoned before the grand jury himself and asked where he got it. If he refused to say, he could be jailed, under the Supreme Court's recent ruling on such cases. I also tried to reach Jack that day, but he was out of town. I talked to Les Whitten, Jack's chief assistant, who said he thought it was a close question, but that Jack had done the right thing. I told Les I didn't question the publication of the information from the transcripts, but merely the direct quotes. It was the

kind of evidence of a breakdown in grand jury security that, in such a critical case, the court might feel the need to act upon. Les said he would pass along my advice to Jack.

On Friday, though, there was another column on the testimony, shot through with quotes from the transcripts. The weekend passed, with columns on another subject, and I thought the matter might blow over. But on Monday morning, the column again was devoted to the grand jury proceedings. And the entire fifteen-member bench of the United States District Court for the District of Columbia convened in a special session to decide what action to take to stop the blatant leak. Presiding at this meeting was Judge John Sirica, the chief judge, whose perseverance in the Watergate case and refusal to swallow the idea that the original seven defendants were the only ones involved had led to James McCord's decision to speak out. Sirica was, at this point, a hero in the Watergate drama, sharing the spotlight only with Carl Bernstein and Bob Woodward, the young *Washington Post* investigative team that had cracked open the case to begin with. The fifteen judges agreed to order a special, separate grand jury convened to investigate the leak, to find its source and to prosecute those responsible.

Now the issue was joined. There was going to be a grand jury investigation and the number-one witness almost certainly would be Jack. He would just as certainly refuse to identify his source and the court would either have to punish him or back down. The central figure in all of this, of course, would be Judge Sirica. Since he had taken such an aggressive position in trying to get to the bottom of the case, he could hardly stint at this point in acting to protect the integrity of the grand jury process. I didn't want to be a nuisance, but I felt I had to call Jack.

"What have you done now, you naughty boy?" I said when he came on the line, trying to keep it light.

He laughed. "I don't know why they're going after me," he said. "Every reporter in town is after the story of what's been going on in that grand jury room."

"For whatever it's worth, Jack," I said, "I urge you strongly to move as fast as you can to compromise your way out of this before it goes any further. Every day that goes by that brings you closer to a confrontation with that court brings you closer to going to jail."

"Well," he said, "I appreciate your advice and I've got Warren [Woods] and Betty [Murphy, another partner in Woods' firm] looking into it now. We'll figure something out."

The next morning the column featured more slices of the grand jury transcripts. And the news stories on the court's order that there be an investigation of the leak contained some bold words from Jack: "Reporters have been scrambling all over one another to find out what is happening in the secret sessions," he said. "The government is upset, apparently, because we nailed down the testimony precisely rather than relying on hearsay. It is significant that we began publishing excerpts from the grand jury proceedings on April 16. The next day, President Nixon announced a dramatic turnaround on Watergate. The factor that persuaded the president to throw open the Watergate investigation, say White House sources, was our access to the grand jury findings. Under our Constitution, we're free to publish any and all news generated by the White House, the Congress or the courts. No federal rule of criminal procedure

[MORE] 5

Brit Hume, [MORE]'s Washington editor, worked for Jack Anderson from January, 1970, until October, 1972. His article is adapted from the book *Inside Story*. Copyright © 1974 by Brit Hume. To be published by Doubleday & Co., Inc., in August.

supersedes the Constitution, which grants freedom of the press."

So Jack was not only saying publicly that he was being singled out for his accuracy, but that his reporting was responsible for forcing the president to abandon his stand on executive privilege and allow White House aides to appear before the grand jury. And he ended his statement with a little civic lecture. I winced at the thought of how Jack's statement must have been received by those fifteen judges who had voted to have him investigated. Their attitude toward him wouldn't be helped by the new installment in the column from the transcripts, although Les Whitten had told me on Friday that the column going out that day—for use on Tuesday—was the last one on the grand jury because Jack had run out of transcripts.

I assumed that Jack and the lawyers were busily trying to figure a way out of this jam that Tuesday. After lunch, I was in the neighborhood, so I dropped by the office. A couple of reporters with tape recorders were waiting in the reception room. And I couldn't get in to see Jack because he was already being interviewed on camera by Herbert Kaplow of ABC News. From the hallway, I could hear Jack's deep voice booming about the discriminatory nature of this grand jury investigation of him. I couldn't believe it. I asked Opal Ginn, Jack's secretary, when I might be able to talk to him. She said he might be a while with Kaplow and that others were waiting. So I went into one of the offices and sat down at a vacant desk and began writing a memo to Jack.

The principal point of what I wrote was that there was no way Jack could come out a winner in a confrontation with Judge Sirica and the more he took credit for turning Nixon around on Watergate, the more he was taking bows for an achievement that Judge Sirica probably felt was his own. Before I had finished the memo, though, Jack happened into the office.

"Hi," he said, seeming glad to see me.

"I was just writing you a memo," I said, "but now that you're here, I'll just tell you what I was writing. You've just got to get off this collision course you're on with this court or I'm afraid you'll wind up in jail."

"I know what the risks are," Jack said. "But I believe it was right to print those stories and I'm willing to go to jail. I'll put the column out from a jail cell if I have to. It won't be any fun, but we'll come out of it all right."

"There's no way you're going to look like a hero," I said, "if you get into a confrontation with Sirica. His credentials as a hero in Watergate are already established. If you get into a fight with him, he'll take the view that you obstructed the investigation of the case, and perhaps endangered the success of the prosecutions. There's just no way that the public is going to think you're the good guy and he's the one that's trying to cover up for the White House."

"Well," said Jack, "what can I do?"

"The first thing you can do," I said, "is stop giving these interviews. When these people call up, you've got to just say, 'No comment.'"

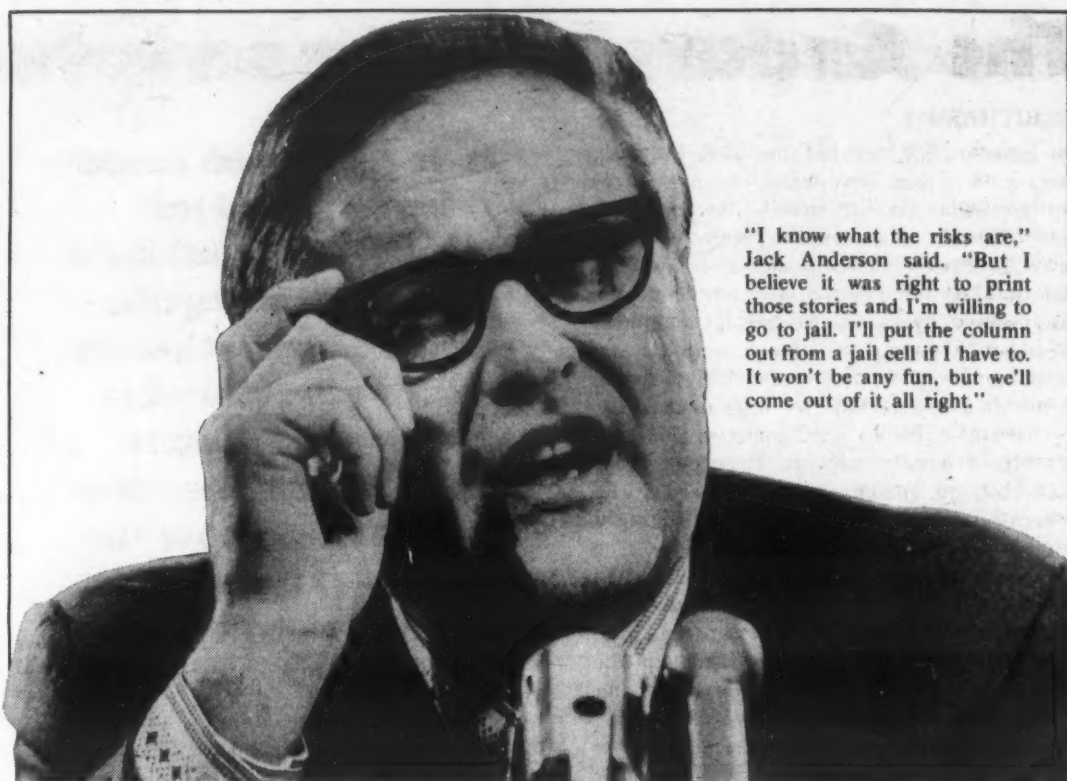
There was a pause, as Jack shook his head. Then he said, softly, "God, that's hard to do."

I laughed, knowing how he felt. He said he'd think about what I'd said. Then he left the room. I went back to the typewriter, took out the incomplete memo and threw it in the trash.

That night, I called Len Appel to tell him of my conversation with Jack. I asked him what Jack might do to extricate himself from this jam.

"Well, I don't know, Brit," he said. "Jack really doesn't have much to bargain with."

"Suppose he offered to cease printing the



"I know what the risks are," Jack Anderson said. "But I believe it was right to print those stories and I'm willing to go to jail. I'll put the column out from a jail cell if I have to. It won't be any fun, but we'll come out of it all right."

UPI

transcripts. Do you think that might help?"

"It might, but the prosecutors are under a court order to carry out an investigation. There's no way to turn back."

"Well, suppose he offered to quit printing verbatim excerpts and to turn over the transcripts he now has to the court. He could tell the court that his source isn't the ultimate source, so that getting his testimony wouldn't necessarily lead them to the leak anyway. My guess is that they're more concerned about the appearance of this thing and getting leaks plugged than sending anyone to jail."

"You might be right," said Len. "I don't know what else he could do. You know the court order on this contained some language urging anyone who might have knowledge of the matter to come forward. Jack could cite that as his reason for coming forward."

"The truth is that he doesn't have any more transcripts, but they don't know that. I think it's a good idea and Jack might very well listen to me. I'm going to call him."

"Fine," said Len. "But he's been working with Betty and Warren on this one, so there's no use getting me involved."

Jack was surprisingly receptive to my idea. He said he would call the lawyers first thing in the morning and propose it to them.

When I called the office the next morning to see what had happened, I learned from Opal that Jack had an appointment to see the Watergate prosecutors that afternoon. But it wasn't until the next day that I found out what had happened when Jack confronted them, with one leg already in the jailhouse door. From Jack himself and from Warren Woods and Betty Murphy, who accompanied him, I got this account of the meeting:

The three of them met prosecutors Earl Silbert, Seymour Glanzer and Don Campbell in Silbert's office in the District court building. They were joined by Harold Titus, the U.S. Attorney. Everyone was polite, but highly serious. Jack had been warned repeatedly by both his lawyers before going into the meeting that the law was against him and that he must take a penitent approach.

"Look," they had told him, "we are coming in as supplicants, not as aggressors."

"Don't worry," Jack had said, "you let me handle it."

Warren opened the meeting with a few introductory words in which he said the statute that

makes revelation of grand jury testimony a crime did not apply to this case. Silbert's reply was that the Caldwell decision—the one requiring newsmen to identify sources if asked to do so by a grand jury—did apply.

Harold Titus made a lengthy statement to the effect that, "I regard my office as a sacred trust—we have a mandate from the entire court to investigate these leaks and we intend to do so."

Jack reiterated the contention that the First Amendment was not limited by the court's rules of procedure, but he added:

"I don't want anyone falsely accused. I have noticed that there have been some allegations that the prosecutors of others to whom the federal rules apply leaked the material. But I didn't get the material from anyone like that."

Back and forth it went, at times argumentative, at times agreeable, at times with each side talking past the other. At one point, Titus said, "As long as you keep printing the transcripts, people are refusing to come before the grand jury to testify. Suppose," he asked, "it were a Mafia case, with life and death of witnesses involved. Would you print transcripts then?"

"I use discretion," said Jack.

"We both have the same purpose," Titus went on. "We are investigating the Watergate case and we have been for a long time."

"I agree," said Jack. "I think you're really trying now."

"What do you mean, now?" asked Glanzer, irritated.

"I don't think you were before. I think you were using the grand jury process to protect the guilty. But I think you're trying to make an honest investigation now."

Glanzer started to argue, but Titus cut him off. "I would be glad to discuss the vigorosity of this investigation," he said, "but not now. We've got to stop the leaks and we've got to do it now."

"I think I have a right to print this information," Jack said, "and I don't think the case would have broken open the way it did this week if I hadn't had access to the transcripts. My White House sources tell me this was a factor in the president's decision. I have the right to continue to publish these documents if I please. And I have requests right now from *The New York Times*, *The Los Angeles Times* and the wire services for the full

(continued on page 21)

The Great Albany Sex Scandal

BY RICHARD WEXLER

On Tuesday, Feb. 27, 1973, at about 9 a.m., four New York State assemblymen arrived at the Cardiovascular Health Center of Albany Medical Center Hospital. They were there for a free medical checkup, given annually to legislators and other high-ranking state officials. The examination was administered by a 20 year-old female medical technician. During the exam, one of the assemblymen *may* have put his arms around the technician and carried her out of the room. He *may* also have asked her if she had ever made love with a member of a particular ethnic group. Another assemblyman *may* have put an electrode down his pants and said, "Take a reading here." He also *may* have momentarily turned up the speed on a heart stress treadmill. It is equally possible that little or none of this happened at all. Certainly no one involved believed that there was malicious intent behind any of the assemblymen's actions, whatever they were.

All in all, it's not exactly the stuff of which front-page news is made—unless the city is Albany, the legislators are from New York City, and the major local newspaper is the *Albany Times-Union*. In which case, the "Albany Medical Center Incident," as it came to be called, becomes the number one story in the local press, dominating the headlines for three months in 1973, triggering a mass letter-writing campaign, a grand jury investigation and a probe by the Assembly Ethics Committee.

Albany has two newspapers, the morning *Times-Union* and the afternoon *Knickerbocker News-Union Star*. Both are Hearst-owned and virtually identical in content and point of view. The first story about the "incident" did not appear until March 7, eight days after it had occurred. It began in the lower right-hand corner of page one under the headline: FOUR STATE LEGISLATORS MANHANDLE GIRL (even your average mugger rates an "allegedly"). The story, written by *Times-Union* reporter John McLoughlin began:

Four State Legislators reportedly took advantage of a free medical check-up last week to manhandle a young female technician at the state funded Cardiovascular Health Center at Albany Medical Center Hospital.

The legislators, all believed to be Democrats from New York City, reportedly subjected the 20 year-old woman to obscene gestures and remarks, physically placed her on a treadmill designed to test heart stress, turning the speed up full blast, and then stuck an electrode down her uniform....

The young woman herself was not the source of the story. She told it to her boyfriend and he wrote a letter to the *Times-Union*, a fact the newspaper never bothered to mention until it had been made public by the grand jury. Indeed, throughout the three months, the young woman herself made only one public comment. "[The technician] declined to go into details," McLoughlin wrote in that first story. "I'd like to see the incident made public, but there are many people who benefit from our program and I'd hate to see it hurt if this thing were blown out of proportion," she said." As sources for his story McLoughlin contacted Dr. Joseph T. Doyle, director of the Cardiovascular Center; Dr. Thomas Hawkins, director of the Albany Medical Center;

Richard Wexler, who enters his senior year at Richmond College (Staten Island, N.Y.) this fall, won [MORE]'s 1974 Student Award for Media Criticism with this article.

A 20-year-old female technician gave a physical check-up to four New York State legislators—and the story grabbed headlines for the next three months in local Hearst papers.

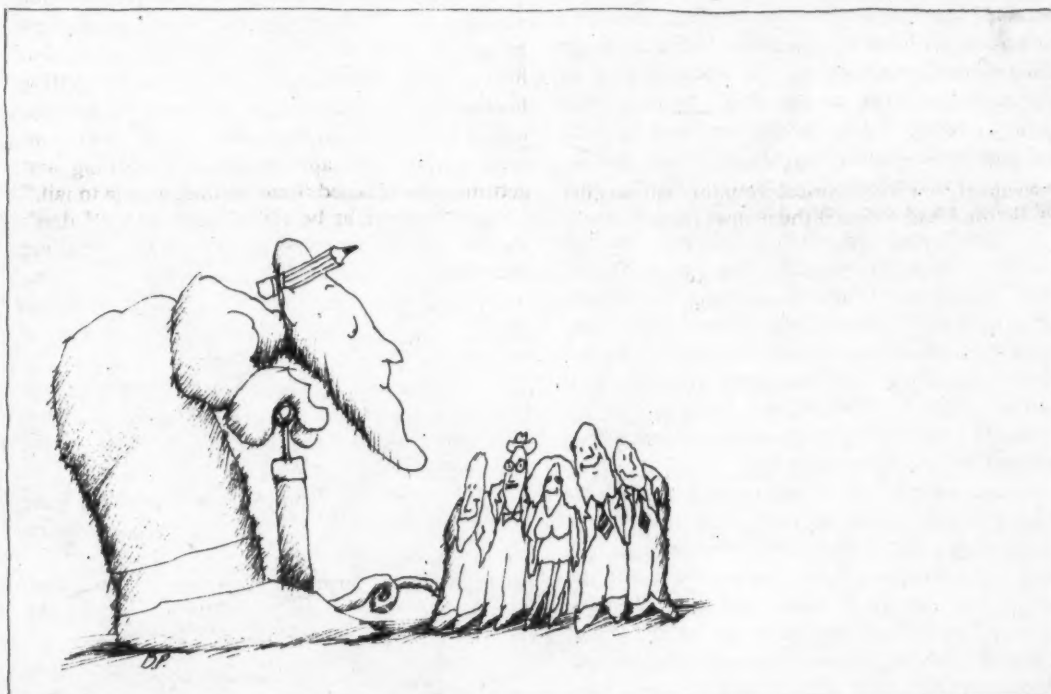
and the technician. He did not contact the assemblymen involved "because I wasn't sure who they were."

The assemblymen read the story that morning and reacted with what one of them later termed "disbelief." Only one of the incidents described in the story even resembled what had actually happened, he said, and if not for that "we wouldn't have even known they were talking about us." They went to Assembly Speaker Perry Duryea and Minority Leader Stanley Steingut, denied the

four New York City Assemblymen could be the basis for reckless endangerment and harassment charges. He said two patients as well as the nurse were victims of the legislators' "infantile behavior."

The story told to Proskin differed from that told to McLoughlin the day before. According to this later version, the legislators did not try to put the technician on a treadmill; rather they allegedly turned it up while "two patients" were on it. Proskin later acknowledged that he did not know who the "patients" were or how they felt about the incident. According to Proskin, the young woman claimed that the action endangered the patients and she turned the speed down. Proskin also claimed that an assemblyman unplugged a life-saving machine which had to be charged at all times and that an assemblyman placed an electrode down his own trousers. Proskin now says that what the *Times-Union* printed isn't exactly what he said. "I think I said 'it may be even more serious'." He added that the basis for that statement was solely the incident involving the life-saving machine.

In conducting his "thorough investigation," Proskin spoke to the same people McLoughlin interviewed. Like McLoughlin, he did not speak to the legislators. He claims that he did not contact them because "they were potential defendants"



charges, and explained in detail their version of what had actually happened.

Among the many others who read the story was Arnold W. Proskin, now a judge but then the Albany County district attorney. Proskin conducted what he termed a "thorough investigation"—and had the results ready in time for the next morning's paper. The March 8 *Times-Union* featured a three column headline: PATIENTS PERILED BY LAWMAKERS, D.A. PROBE FINDS. The story beneath began:

District Attorney Arnold W. Proskin said Wednesday a "thorough investigation" had disclosed that "in some respects" the incident in which a nurse was verbally and physically abused by a group of Legislators at Albany Medical Center Hospital was "even more serious" than reported in the *Times-Union* Tuesday. [Actually, Wednesday.]

Although the 20 year-old nurse and hospital officials have declined to press charges [emphasis mine], Proskin said, the actions of the

and although he was not legally proscribed from talking to them "it isn't a normal practice to do that."

Despite having heard only one side of the story, and despite the refusal of anyone involved to prosecute, Proskin charged that the assemblymen engaged in conduct one "might expect from a bunch of stupid, teenage wiseguys." And so everyone would know he wasn't soft on legislators, he added: "Legislators are not diplomats. They have no diplomatic immunity in Albany County."

The *Times-Union* went further, continuing the March 8 page-one story at the top of page nine with an eight-column headline: PROSKIN: HOODLUMISM PERILED PATIENTS, NO CHARGES FILED.

A second story on March 8, also on page one, reported a statement issued by Minority Leader Steingut on behalf of the legislators. Steingut said he had spoken to the assemblymen

and found "no foundation" for the charges. But, as one of the assemblymen put it, "general denials are generally disbelieved," and this was no exception. The Steingut statement contained no point-by-point refutation and, when compared to what a medical center spokesman for Dr. Hawkins had to say, made Steingut look foolish. Steingut refused to be interviewed about his statement or anything else. "I don't want to get involved in the damned thing anymore," he said recently. "It was a pain in the neck."

On March 9, the *Times-Union* ran its first editorial on the subject.

The least Mr. Duryea and Mr. Steingut should do... is offer a public apology to the young woman who was harassed by denizens of the zoo over which they preside...

The least they should do is demand that the four legislators involved go to the Medical Center facility to make their own apologies...

It is typical legislative arrogance for the leadership to try to pass this off as something that never happened. Are the Albany County District Attorney and the Director of Albany Medical Center to be called liars?"

On March 10, the story was back on page one, under the headline: OUTCRY MOUNTS ON NURSE ABUSE. The story described public anger at Steingut and at Proskin for not taking action. In addition, the Albany chapter of the National Organization for Women declared that "we're just not satisfied with Mr. Steingut's quick dismissal of the matter" and demanded a meeting with the minority leader.

The *Times-Union* of Sunday, March 11, contained four stories about the incident, including the lead in its local news section. Other coverage included condemnation of the assemblymen as "the nameless jerks of the year" by columnist Barnett Fowler, and a "humor" column by John McLoughlin in which various fictitious Albany residents expressed amazement at *not* having been abused by legislators they had met.

On March 12, Steingut issued another statement, insisting that there was "no malicious intent" on the part of the legislators. John Cassidy, public relations director of the medical center, also issued a statement which said, in part: "we do not consider anything that transpired requires legal redress." But the *Times-Union* wasn't listening. A second editorial and a cartoon condemning Steingut appeared the next day.

On March 14, Steingut tried again. He issued a detailed statement in the form of a letter to Dr. Hawkins. The *Times-Union* printed it in full, along with a front-page story comparing it with the charges that had been made. This time, Steingut did indeed answer the charges point by point, and he added: "The legislators' attempts to relieve the obvious tensions that are inherent in a physical examination may have been interpreted as boisterous or even offensive conduct on the part of the young lady who was present. If that is so, they have requested me to extend to her their sincere apologies." Steingut further requested that Dr. Hawkins inform him if his version of what had happened was in error.

The next day, Hawkins answered. He said that he had discussed Steingut's letter with the technician and "... she accepts the apology offered by Mr. Steingut on behalf of the Assemblymen. The young woman also told me that she never thought there was any malicious intent on the part of the Assemblymen involved. She is deeply disturbed by the continuing publicity given this event and sincerely wishes it be dropped. I agree with Assemblyman Steingut that this matter has been distorted out of all proportion to the events that are alleged to have taken place, and I am sympathetic with this young woman's wish that this matter be closed."

Thus, on March 15, one week and one day after the first story made the headlines, the situation was as follows:

- Dr. Hawkins had made no corrections in Assemblyman Steingut's version of what had happened, and Dr. Hawkins is an honorable man if we are to believe the *Times-Union* March 9 editorial.

- The *Times-Union* had gotten nearly everything it said it wanted: the legislators had apologized and the young woman had accepted.

- Everyone involved, including the technician, claimed that the story had been blown up out of proportion and they had all appealed for an end to it.

But a cycle had begun. Headlines lead to reaction which lead to more headlines. And the *Times-Union* had no intention of stopping.

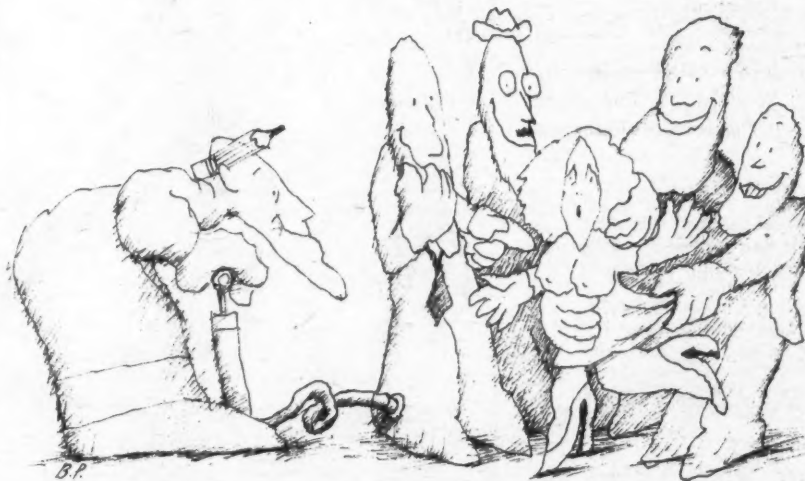
The day after Hawkins issued his appeal, the *Times-Union* printed 13 letters condemning the assemblymen. Between March 11 and 26, forty such letters appeared, apparently chosen for the strength of their language. During this period, *Times-Union* readers branded the assemblymen "punks," "unbelievable jackasses," "trash," "degenerate senior delinquents," "idiots," "riff-raff," "would-be mouseketeers," "infantile," "uncivilized," "crude, vulgar jerks," "boobs," and "screwballs." Advice abounded, too: "a mental exam should be added," "their families should bear the stigma as well as themselves," "own up,

the first place didn't concern them.

On March 17, twenty female employees of the medical center received coverage as they demanded that the legislators be "identified and punished" and demanded protection from "... the rest of the legislature, all of whose male members are of questionable ethics as proven by their silence..."

Every Sunday, the *Times-Union* polls its readers on a major issue. On March 18, they made an exception and asked for opinions about the medical center incident instead—specifically, whether there should be further investigation. They reprinted statements from NOW, the medical center employees, and Steingut (minus specifics), and, as was customary, they printed a small coupon with five blank lines on which readers could write their opinions and send them to the newspaper.

On March 20, Steingut tried once more. This time, instead of issuing a statement, he asked Speaker Duryea to order an investigation by the Assembly Ethics Committee. The result: an eight-column banner headline across the top of page one: HOSPITAL INQUIRY ORDERED. The overline read: DURYEA ACTS ON "INCIDENT." In fact, it was Steingut who really took action; Duryea simply acceded to his request. But the *Times-Union*, unable to name those actually "involved" for fear of a libel action, had made Steingut its



get up, and get out!" and "let's start exterminating the vermin now."

That was in the morning. The *Knickerbocker News* was running a similar campaign in its letters columns every afternoon.

A few irate citizens bypassed the newspapers. A self-proclaimed "Citizens Committee for Public Safety" plastered the capitol area with "wanted" posters, listing the assemblymen it believed were involved and charging them with "atrocities against the people of the State of New York."

The news stories continued. On page one, March 16, the *Times-Union* carried a statement from the National Organization for Women which read in part: "If Mr. Steingut thinks that his letter represents an apology, or that we will treat it as such, he is mistaken." Apparently, the fact that Steingut had not directed his apology to NOW in

visible villain, and had too much invested in this line of attack to turn around and give him proper credit.

The Ethics Committee investigation was suspended before it could begin. District Attorney Proskin was feeling the pressure. His mail on the incident was, he said in an interview, "the most I have ever received on anything in five years... I received literally hundreds of communications... saying 'hey, something must be done about this.'" So Proskin announced that a grand jury would convene and conduct a "fact-finding" inquiry under Section 190.85 of the criminal code, which, Proskin told the *Times-Union*, allows a grand jury to "look into a set of facts" and "make recommendations." He said that the inquiry would "not necessarily be for the purpose of obtaining indictments." If no indictments were handed down, the grand jury would

not be allowed to name those involved.

But Proskin doomed any chance of actually finding out what happened as soon as he made a public announcement. Although the *Times-Union* would not name those allegedly involved directly, there was nothing to stop a *Times-Union* reporter from standing outside the grand jury room and reporting who went in and out. The legislators were tipped off that exactly this would happen, so they declined Proskin's "invitation" to testify. (They were not subpoenaed.)

The impending grand jury investigation was the last straw for one of the assemblymen. Up until then, all had agreed to "ignore it because it was nonsense and it would all go away." But the Albany press refused to let the story die a natural death, and on March 22 one of the assemblymen broke with his colleagues. He called the *Knickerbocker News* and—anonously—told his story.

The result was the lead story that afternoon, under an eight-column, two-line head: **LEGISLATOR IN ALBANY HOSPITAL INCIDENT TELLS HIS SIDE OF THE STORY: 'NO FAIR'.** Unlike the charges against the assemblymen, which would be repeated in story after story, this version appeared only once.

"I remember the girl, a little girl, a kid, with a pretty face. And all of us are old enough to be her father," the Assemblyman said. "I've offered to go to that girl personally and apologize. For what? ... those things didn't happen."

"So there's six guys, middle aged, you know? A little fat and flabby, and we take our shirts off. You see the blood oozing out and it's kinda scary and of course nobody cries so you laugh, right?"

"The girl started it. 'You look like Dean Martin,' she tells this guy, and it's funny, because he's got a big pot and he really doesn't look like Dean Martin. It's a tension relieving statement. So we laughed."

"And a doctor comes in and tells one of the guys not to get on the treadmill because he's got heart disease, and the doctor says on the treadmill he might drop dead or something... So... we were worried about the guy with the heart and everyone's joking, trying to relieve him, and he was touched by that."

"...Now there are four guys, all making jokes, bing, bing, bing, bing, like that. Quadraphonic comedians... and the girl laughed and said 'you should see some of the other guys'."

The account continued in that vein, sometimes funny, sometimes sad. But even it didn't tell the full story. The assemblyman told me in an interview it was the technician herself who turned up the treadmill, in response to a legislator who asked how it could be done. She did so only momentarily, probably not even long enough for the treadmill to accelerate. As for the electrode incident, yes, one assemblyman may have put it down his pants and said, "I wonder what kind of a reading you'd get here?" But the question was addressed to the other legislators, the technician had her back turned. And the incident involving the life-saving machine never happened, the assemblyman insisted.

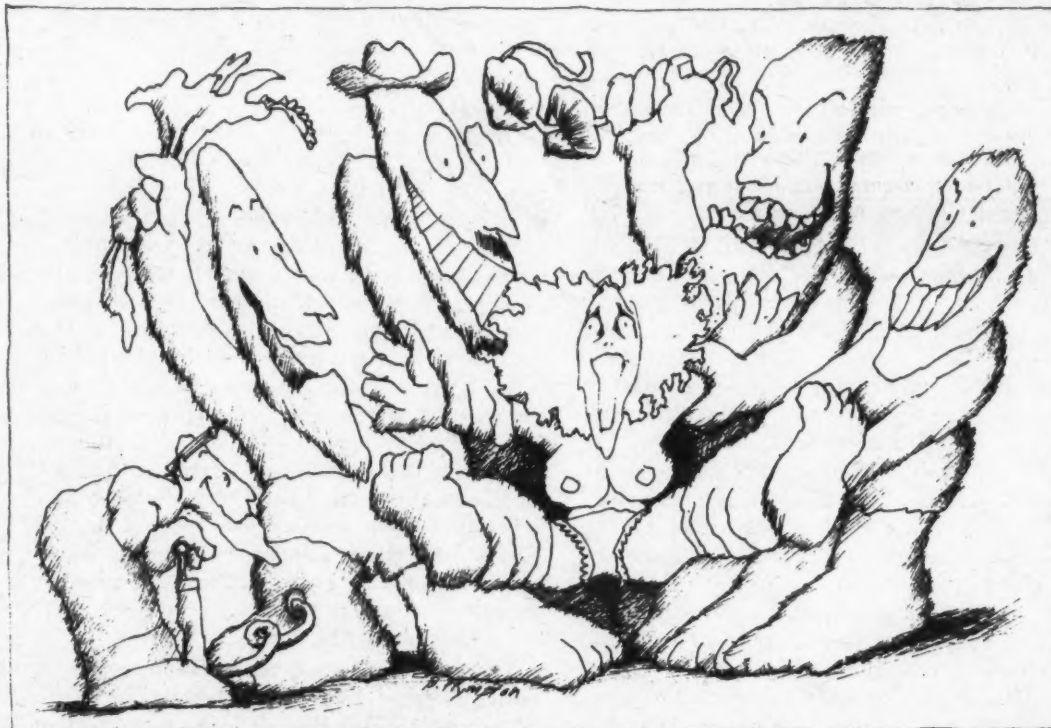
The story in the *Knickerbocker News* may have had an effect on its sister paper. For a full week after the story appeared, except for the Sunday paper, *Times-Union* coverage was limited to irate letters. However, that Sunday (March 25) brought the results of the reader survey commissioned the week before. Not surprisingly, more than 1,000 readers wanted further investigation. Three did not.

One of those three negative responses was particularly interesting. Mrs. Joseph Huth, of Voorheesville, wrote: "The statement in your paper by Assemblyman Steingut is correct according to my personal knowledge of the incident." One would think that a newspaper as anxious to find out the facts as the *Times-Union* claimed to be would have immediately called Huth to find out

what her "personal knowledge" was. She reports that she was indeed called, but the purpose of the call was merely to inform her that her response would be printed. At no point was she questioned about her statement. (As it turns out, Huth had little useful information; but the *Times-Union* had no way of knowing that without asking her.)

If the assemblyman who made a public statement on March 22 had done so earlier, the story might have died, and the *Times-Union* might have been unable to revive it. As it was, however, the grand jury investigation was beginning, and that gave the story a new lease on life. Nevertheless, April was a lean month for the *Times-Union*. All it could do was report on who filed in and out of the grand jury room and rehash old charges. Even D.A. Proskin went on to other matters, launching a "boycott Jane Fonda" campaign.

But on April 19, the story was back on page one with the release of the grand jury findings. Under a large, color cartoon and a three-column headline (**LAWMAKERS PAWED WOMAN, JURY SAYS**), the story began: "A Grand Jury report unsealed Wednesday confirmed that a 20 year-old female technician at Albany Medical Center was manhandled and abused verbally February 27 by two New York State Assemblymen..." In an editorial that day, the *Times-Union* proudly declared that the report "...has now borne out, in essence, the facts as originally reported by the *Times-Union*." (In future editorials, the words "in essence" were dropped.) The editorial continued:



But even more important, the Grand Jury findings reveal direct contradictions between what actually happened and what Assembly Minority Leader Stanley Steingut said happened.

The Steingut statement is now revealed to be what it apparently was intended to be: a contrived attempt to whitewash those involved.

In fact, the *Times-Union* had taken both the grand jury report and Assemblyman Steingut's statement out of context in order to "prove" that the report substantially confirmed its version of events. Actually, the report comes closer to confirming Steingut's version in many respects.

Consider what the grand jury and Steingut said about the "treadmill incident," as reported by the *Times-Union*:

A second Assemblyman [according to the grand jury report] "turned up the speed of the treadmill which is utilized in the electrocardiogram exam while two patients were on it. This was only momentary, as the technician

immediately reset the speed and admonished him."

Steingut had called the *Times-Union* report on that allegation "inaccurate" and said "at no time was there more than one person on the treadmill machine, according to all the legislators present."

But in earlier stories, the *Times-Union* had done more than merely quibble about numbers. The newspaper had also indicated that the legislator's action had "endangered" the "patients." Steingut, in turn, said that he had been assured by the assemblyman on the treadmill that he was in no danger. (There is nothing to indicate that the grand jury's "patient" and Steingut's assemblyman are not the same person.) The grand jury made no reference to any "endangerment" resulting from this incident, thus confirming Steingut. The *Times-Union* chose to ignore this and concentrate instead on how many patients were on the treadmill.

The grand jury also made no mention of the alleged unplugging of a life-saving machine. Again, Steingut's version was confirmed, and the *Times-Union* ignored it.

The grand jury did not find the *Times-Union* to be entirely wrong. They did say that the technician was hugged and carried out of the room, that the assemblymen engaged in "boisterous and obscene" conduct and "misconduct constituting a disruption to the normal operation of the cardiovascular health program," and "created a potential of harm to themselves and others." It should be remembered, however, that the grand jury could

consider only the evidence brought before it, and of course the legislators could not testify without revealing their identities.

The grand jury report is, therefore, a remarkable document. In spite of hearing only one side of the story, it nevertheless exonerates two assemblymen entirely, agrees with only the most trivial of the specific charges reported in the *Times-Union*, and found no cause to indict anyone. The report did recommend that the names of those involved be made public and that the proper body of the legislature "thoroughly examine the situation" and "make its evaluation and findings public."

Accordingly, the investigation by the Assembly Ethics Committee was resumed. On May 4, Assemblyman Peter Costigan, the committee chairman, announced that Charles S. Desmond, former Chief Judge of the Court of Appeals, would serve as the committee's counsel. In a front-page

story announcing the appointment, *Times-Union* political editor Vic Ostrowidzki called Desmond "a highly admired and respected jurist," a description which would appear in almost every *Times-Union* story until Desmond came to conclusions with which the *Times-Union* did not agree.

When the ethics committee investigation proceeded too slowly for the *Times-Union's* taste, the newspaper demanded action—first in an editorial on May 7 (IT'S A STRANGE ETHICS INVESTIGATION), then in a series of "news" stories, beginning with ASSEMBLY DAWDLES OVER ETHICS PROBE, on page one, May 16. Each story contained perhaps four paragraphs of new information. The rest was entirely a rehash of old news. Eleven of 14 paragraphs in the May 16 story were rehash; on May 17, the entire story was either repetition or members of the Ethics Committee explaining why they had no comment. On May 18, only two of 11 paragraphs contained new information. (On May 17, an editorial likened the "cover-up" of the incident to Watergate.)

By May 18, the *Times-Union* editors had come up with a new gimmick. They assigned Ostrowidzki and a colleague, Joe Picchi, to ask every male, Democratic assemblyman if he was one of those mentioned in the grand jury report. A freshman Democrat, Icilio Bianchi, objected to being polled and asked the acting speaker to have reporter Picchi ejected from the Assembly chamber. The acting speaker, also a freshman, did not realize that as a matter of custom reporters have free access to the Assembly floor. He had Picchi ejected.

Picchi now says that the incident was no more than "a tempest in a teapot. We just kid about it now." But to read the accounts in the *Times-Union* the next day, one would have thought that a major First Amendment crisis was looming. AMC QUERY GETS WRITER BUM'S RUSH, read the headline over the page one story on May 19. A 25-paragraph article by Ostrowidzki described the incident in detail. Then Picchi told his own story under an eight-column banner headline across the top of page three. The headline did not refer to a tempest in a teapot. It read: A TOUGH QUESTION AND, OOPS! OUT I WENT. "It's not every day a newsman gets tossed out of the Assembly for asking a tough question," read Picchi's lead. The story went on for 14 paragraphs, adding virtually no new information to Ostrowidzki's account.

Ostrowidzki continued to poll legislators, this time outside the chamber and by phone, but when his story was printed on May 24, the results were secondary to Ostrowidzki's reporting on what Ostrowidzki had gone through to get them. He wrote:

A *Times-Union* editor was abused verbally and his professional integrity questioned repeatedly by Democratic Assemblymen during a three day poll of the lawmakers...

Some lawmakers who were polled called the pollster "a snake," "a vulture" and a few unprintable adjectives.

Enough assemblymen refused to comment to make the results inconclusive. After relating them anyway, Ostrowidzki went back to the story of his own travail, declaring that he had been "put through a wringer" and noting in his final paragraph that "none of the people who reacted nastily acted as if their colleagues had misbehaved or were embarrassing the whole Democratic Assembly contingent by refusing to come forward."

The next day, the ethics committee released its long-awaited report. Once again, the four

legislators' positions could not be considered, this time because Judge Desmond advised the committee to "...treat the Grand Jury's findings as true." He stated, however, that although the legislature could apologize to the technician, and although the conduct of the assemblymen (based on the grand jury report) was "deplorable and inexcusable," the legislature had no legal jurisdiction, because the assemblymen were acting as private citizens. "One can only imagine the wilderness into which a professional group would stumble if it attempted to regulate private lives," Desmond said.

And what did the *Times-Union* say?

"Incredible, we say."

In its May 25 editorial, Desmond was no longer a "highly admired and respected jurist." Instead, the newspaper asked: "Could it just be that the Committee brought in a particularly prestigious judicial name to assume responsibility for a decision the Committee itself was loath to make?" The report, according to the *Times-Union*, was "a shocking disappointment to anyone knowing the definition of the word 'ethics'." Four days later, the legislature adjourned and the *Times-Union* bid them farewell with an editorial cartoon that depicted Judge Desmond "whitewashing" the Capitol.

By the time it was all over, the *Times-Union* had run 42 news stories about what one lobbyist called "the great legislative rape," 18 of them on page one. There were 40 letters to the editor, eight editorials, and seven cartoons. Altogether, the newspaper devoted more than 1,900 column inches to the story.

Why? One reason is simply basic political partisanship. The *Times-Union* is Republican; the legislators involved were Democrats. Certainly there was a dramatic difference in the treatment of Steingut versus that of Speaker Duryea, who was often praised with faint damnation. But more important than the split between Democrat and Republican is the division between upstate and downstate. "It was simply a continuation of the basic rivalry that has been going on around here since 1917," says a former legislative intern who lives in a small town near Albany. "These four fiends from the big city come up here and attack the Flower of Upstate Womanhood. The story was a natural." This attitude was reflected in the *Times-Union* letters column, and reporter Picchi himself said that "I'm not so sure five or six upstate legislators, whether Republican or Democrat, would have acted like this."

Some feminists have argued that the extensive coverage given this incident by the *Times-Union* was justified since it exposed the sort of humiliation to which women are exposed every day and insured that, at least this once, someone would be punished for it. This view is not shared by State Senator Carol Bellamy, a Brooklyn Democrat and a feminist. Although she criticized the Assembly for not "responding up front to the issue," she also said that the Albany press helped to create "almost a witchhunt situation." Senator Bellamy termed press coverage of the incident "appalling... Under no circumstances do I think that something like this should be pushed under the rug, but I think there is a responsibility on the part of the media to do a somewhat more factual job."

In the end, the names of the four legislators were never made public (although virtually everyone in Albany knew who they were). Nevertheless, one of the legislators suffered to the point

of becoming physically ill. "My doctor in New York wanted to put me in the hospital," he said. He didn't go, but he did have to get a complete physical check-up—including an electrocardiogram. "The whole thing has discouraged me from participating in politics," he said. "I'm reluctant to run again, because it can and will be used by my opponents."

Not all of those involved took it so hard. Indeed, some did not seem to be affected at all. And besides, one might argue, legislators are public figures. They're expected to be able to handle adverse publicity. But even if all of the legislators could have totally ignored the furor, the extensive coverage given this minor incident compared with that generally accorded the legislature is worth pondering for a moment.

There are a great many things wrong with the New York State Legislature. Things like bills which die in committee at the whim of the chairman; committee meetings closed to press and public; irregularities in voting; legislators who profit from the businesses they regulate; the power of special interest lobbies; subservience to the governor; and one-party government, to name just a few. Thoughtful, probing investigative journalism is urgently needed, and the *Times-Union* certainly has the potential to provide it.

But it does not, and seldom has.

When no-fault insurance was debated last year, there was no exploration of the role played by legislators with insurance interests or profitable negligence law practices. When pension "reform" was debated in 1973, the *Times-Union* pictured the issue as a battle between vicious labor unions forcing legislators to vote their way and the poor, overburdened taxpayer. The vigorous lobbying efforts and pressure tactics of business and industry were barely mentioned, much less explored in any depth. When the *Times-Union* got hold of the entire legislative payroll, the newspaper triumphantly printed it in full, but never bothered to dig further and find out how many employees held no-show patronage posts. In fact, during the entire legislative session from February through May, 1973, not a single piece of serious investigative reporting appeared in the pages of the *Times-Union*. Instead, the paper's staff was busy staking out the grand jury room and asking assemblymen where they were on the morning of Feb. 27.

In what was supposedly an attempt to insure a complete investigation, the *Times-Union* actually hindered the investigation. In what was supposedly an attempt to force those involved to "come forward," the *Times-Union* made it that much more difficult for them to do so. Indeed, so flimsy was the evidence in the case that the *Times-Union*, which knew the names of those allegedly involved, dared not reveal them and risk libel suits—though the paper repeatedly demanded that others do so.

On the page immediately following the *Times-Union's* last comment on the Albany Medical Center incident (the May 29 cartoon), there is a full page ad, placed by the *Times-Union* and the *Knickerbocker News-Union* Star themselves. A FREE PRESS PROTECTS YOUR FREE SPEECH, it says. "The next time you get mad at a news story," it goes on, "remember that a free press provides you with the information that keeps our country free." No doubt the good people of Albany sleep better at night knowing that the next time an assemblyman pinches a nurse, the *Times-Union* will defend to the death their right to know.

Behind The Damask Curtain

BY KARL E. MEYER

Thanks largely to *The New York Times*, the most famous wine jug in the world is a calyx krater painted by Euphronios now reposing, if a bit uneasily, in the Metropolitan Museum of Art. Never before has a single museum purchase been subjected to such relentless press inquiry as was the Met's Grecian urn last year. Still, the blaze of publicity can blind one to a corollary truth: seldom before has any American newspaper paid much attention to the inner workings of a great art museum. Of all important American institutions, among the most ineptly covered are the palaces of art that rise so imperiously—and so ubiquitously—on our urban skyline.

The museum explosion in America can properly be compared to the creative spasm that gave birth to the Gothic cathedrals in 12th Century Europe. On the average, a new museum opens somewhere nearly every day; in just over a generation, the number of American museums has doubled, the total leaping from 2,500 to around 6,000. A dozen factors account for this growth, among them favorable tax laws, intense local pride, a booming art market, and the steady expansion of an educated middle class anxious to show its fealty to culture. A revealing poll conducted not long ago by Louis Harris shows that more Americans claim to go to art exhibitions and historical sites than go to spectator sports (49 per cent of those questioned said they went to visual arts activities, compared to 47 per cent who said they went "a good deal" or "some" to sports events).

By any token—popular interest, intrinsic significance, big money and glamour (real or spurious)—museums are news. But most coverage of museums can be described as high-minded puffery. John Hightower, former director of the Museum of Modern Art, likens the usual approach of the art reporter to "wine-tasting"—appreciative notes about public events. Analysis is the rare exception. Investigative reporting is so unusual that the *Times* inquiry into the Met stands virtually alone (see box, page 13). Taken as a whole, museum coverage is so indulgent as to suggest a genteel complicity.

One measure of the limp coverage is the fact that we must lean so often on the British press for forthright expressions about our museum scandals—in somewhat the same way the English depend on the American press for uncensored accounts of the private lives of the House of Windsor. What royalty is to Britain, museums are to America. Consider the instance of two great art scandals that beset the Museum of Fine Arts in Boston.

In 1969, the Boston museum proudly put on display, with *fortissimo* fanfare, a little-known portrait attributed to Raphael. It later developed that the museum had unaccountably failed to declare the painting when it was imported to Boston, and had also failed to get the required export permit from the country of origin, Italy. The story of these careless oversights first broke in the London *Sunday Times*, in a report by Colin Simpson. At the same time, the museum exhibited at a dazzling centennial show a striking golden archaeological treasure of mysterious origins. Turkey promptly claimed that the ancient gold had been illicitly smuggled from a Turkish site—and

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The press almost never exposes the follies of museums and their often imperious trustees, follies that range from buying 'hot' antiquities to secretly selling art worth millions of dollars.

this story broke in the London daily *Times*, in a dispatch by Peter Hopkirk.

Parenthetically, it says something about the inhibitions that prevail in art reporting that Boston's leading art critic, Robert Taylor of the *Globe*, felt it prudent to use a pen-name when he wrote a candid profile of Perry T. Rathbone, then director of the Museum of Fine Arts. Taylor's piece, "Boston's Art Scandal," appeared in the June, 1971, issue of *Metro*, a *New York*-style monthly. The article was signed Jack Connor. In the end, Rathbone resigned; the smuggled Raphael was seized by U.S. Customs and made its way back to Italy; and Turkey is still vainly claiming its supposed treasure. Whatever rosebuds were in order for press enterprise clearly were earned on Fleet Street.

Similarly, the British have been distinctly more outspoken about the multiple scandals at the Metropolitan Museum. After the disclosure of secret sales of major art works at that museum, the first call for a resignation at the Met came from the *Burlington Magazine*, England's most influential art journal. In a December, 1972, editorial, the magazine commented: "If the National Gallery in London were to follow suit, and do as the Metropolitan did in two cases, dispose on the market of public pictures worth many tens of thousands of pounds without saying a word about it until the news leaked out five months later, there would be a public outcry, and the Chairman of the Trustees would be forced to resign. But we have old-fashioned standards of conduct on this side of the Atlantic."

No such thunder has yet emanated on the editorial page of *The New York Times*. Indeed, to this day, the *Times* has been editorially mute about a story developed by its own reporters. Some time ago, John B. Oakes, editorial page editor, explained that the paper was withholding comment until the Met published a White Paper justifying its secret sales. The White Paper appeared in June, 1973. Editorially, the *Times* has sustained its pained silence, however outspoken the paper may be about misbehavior in Washington. Why?

The roster of the museum's trustees suggests an obvious answer—publisher Arthur Ochs Sulzberger is a member, as was his father before him. "Punch" is a member, moreover, of the museum's all-important acquisitions committee, and indeed he sees the museum's haughty facade each morning on the way to work, since he lives across the street. When the *Times* scolds the Nixon White House, it is reproaching strangers; for the paper to editorially reproach the Met would involve criticism of the publisher's friends. The same

problem—the problem of publisher-as-trustee—arises in city after city, and is surely related to the generous exemption museums get from press criticism (see box, page 14).

In his book, *The Grand Acquisitors*, which grew out of his own reports on the Met's secret sales, *Times* reporter John Hess comments: "The press does on occasion expose wrong-doing in government. What it almost never does is expose the follies of museum trustees." The follies range from buying illicitly-imported antiquities and imperial expansionism to maladroitness staff relations and the bland disregard of working-class and ethnic interests. But no folly is more vulnerable to censure than the secret sale to private dealers of paintings that nominally belong to the public.

An analysis of this, the most debatable of museum practices, lends support to the view that the press is an indifferent watchdog. Museum sales are conducted under a process known as "de-accessioning," a soothing euphemism. Technically, a work that is "de-accessioned" is removed from the museum's permanent collection pending a final decision by the trustees as to its possible sale. In layman's language, it means that a once-public painting can vanish forever into a private collection, here or abroad.

When the Met came under attack for its secret sales, director Thomas Hoving granted an interview to art reporter Paul Richards of *The Washington Post*. The article related: "It is frequently forgotten that most museums, the Met included, have been selling art for years. 'Everybody does it,' Hoving says, 'Boston, Chicago, the Guggenheim, the Whitney, Minneapolis, the Phillips—everybody sells except the National Gallery of Art'."

"Frequently forgotten" is a nice phrase, since few readers would have any occasion to know that such sales had ever taken place. Aside from coverage in the *Times* of the Met's secret sales, little has appeared about the de-accessioning that "everybody does." In writing this article, I inquired into some of the situations that Hoving mentioned, and into some that he did not.

I begin with Minneapolis, cited by Hoving, where during the 1950s some hundred or so old masters were privately sold by that city's Institute of Art in an effort to "upgrade" the collection, the proceeds being used to buy two costly works by Cezanne and Poussin. Dealers flocked to Minneapolis, led by one of the shrewdest of the lot, Julius H. Weitzner, an American living in London. ("I got about fifty—there were some beautiful pictures," he later confided. "The only picture I didn't get, I offered too much for. It was a Titian. I offered \$30,000, and they got scared and pulled it back. If I'd offered \$1,500, I'd have got it.") To this day, a documented account of exactly what the museum sold, and how much it got, has never been published.

The museum's director at the time was Richard S. Davis, blessed with social gloss, whose charm beguiled many who met him, including John Cowles, Sr., president of the company publishing the Minneapolis *Tribune* and *Star*. Cowles was a trustee of the Society of Fine Arts, governing body of the Institute of Arts. Davis' charm notwithstanding, he and the trustees fell out over museum policy and the director was forced to resign in June, 1959. In published accounts, the

[MORE] 11

resignation was described as voluntary; a glowing *Tribune* editorial lamented his departure ("the growing circle of art lovers in the Upper Midwest suffers a major loss"). The local press at no point delved into the questionable museum sales—the first newspaper reference to those sales, to my knowledge, appeared as a throwaway paragraph in a story by John Hess in *The New York Times* last year.

Chicago is another city listed by Hoving. Some 20 years ago, the city's Art Institute "de-accessioned" a group of Impressionist paintings, in part to obtain funds to buy a rare Tintoretto. In 1959, the Tintoretto was sorrowfully downgraded as a workshop product, painted by the master's son, meaning that its market value plummeted about as dramatically as the value of the "de-accessioned" Impressionists later rose. The reattribution was discreetly announced in a museum catalogue, and because only specialists might notice, no fuss was made. One of those with easy access to information about the reattribution, and its significance, was Marshall Field, publisher of the *Chicago Sun-Times* and *Daily News*, a museum trustee.

The first critical reference to the Art Institute's misjudgment, as best as I can determine, was in an article about the Metropolitan's secret sales by the art historian John Rewald, in the January-February, 1973, issue of *Art in America*. Rewald, an internationally-esteemed authority on Impressionism, probably knows more about the follies of "de-accessioning" than any other scholar. In pursuing his research, he has had to become something like a detective, tracking down missing masterpieces. He has found, too often, that when a museum sells a work, it deletes all mention of the painting from its archives, as if it were a shameful blemish to be eradicated—and just as often, the museum will have little idea where the missing work is.

Early this year, Rewald visited Japan and happened to see in that country a Cezanne that he had thought was hanging in the Honolulu Academy of Art. On returning to the American continent, he stopped over in Hawaii and asked about the missing painting—he was informed that the only Cezanne on public display in Hawaii had been sold some years before, to Knoedler's in New York. This writer called James Foster, director of the Academy, and was told that the sale happened "before my time" and that "I have tried hard not to know too much about this." He would say no more, but did remark that he was not aware of any stories about the sale in the local press. A trustee of the privately-funded Academy is Thurston Twigg-Smith, president of *The Honolulu Advertiser*, the state's major morning daily.

Still another missing work whose wanderings Rewald has traced, is Picasso's "La Vie," a major work of the painter's Blue Period that was bought in 1937 by the Rhode Island School of Design and later sold to a New York dealer, for about \$20,000, a fraction of its value today. The School of Design maintains an extensive art museum with some 30,000 objects that is the only gallery of its kind in the state. When the painting was sold, it chanced to be caught in the terrible 1944 hurricane while at a railroad station. Its packing was not adequate, and icy water turned its varnish white. The damage, fortunately, was reparable, and just as fortunately the painting later returned to public hands when it was sold to the Cleveland Museum of Art. No one at Rhode Island's School of Design could explain to me why the painting was sold, nor could anyone recall stories in the local press about the sale. To be sure, it all happened long ago, but it is worth remarking that the treasurer of the century-old School of Design is Murray Danforth, a prominent member of the family that owns *The Providence Journal* and *Evening Bulletin*.



Here, some perspective is in order. Little that has happened would seem odd or wrong to most museum trustees. They will point out, accurately, that unlike European museums, those in America are invariably privately funded and privately controlled. Almost by reflex, museums operate in secrecy, behind a damask curtain. Trustees feel themselves accountable to no one but themselves. An unabashed expression of the traditional attitude was Thomas Hoving's reply, to *Timesman* Hess, when asked the whereabouts of a missing Ingres. "It's none of your business," Hoving said.

During the 1960s, museums, along with everything else American, were touched by tides of change. Art prices, to begin with, zoomed, and major acquisitions became financial as well as aesthetic events. As always, the Met led the way, paying a record \$2.3 million for a Rembrandt in 1961, and later doubling that figure in 1970 with the purchase for \$5.5 million of a Velazquez, another auction record. One result was to stir media interest in the arts—dollar signs have an aphrodisiac effect on editors. A further result was to put museums in an ever-tightening cost squeeze, since endowment revenues could not keep pace with the rising price of everything, including art. To cope with deficits, museums began appealing for more direct public support—specifically, for more tax aid from cities, states and the federally-funded National Endowment of the Arts.

Other yeasts were at work. Museum staffs began unionizing, and even going on strike, as at the Museum of Modern Art. Radical artists and other militants began demanding more "relevance" in museum displays. And for the first time, governments of countries rich in art but otherwise poor began seeking the return of cultural treasures smuggled from the nation of origin.

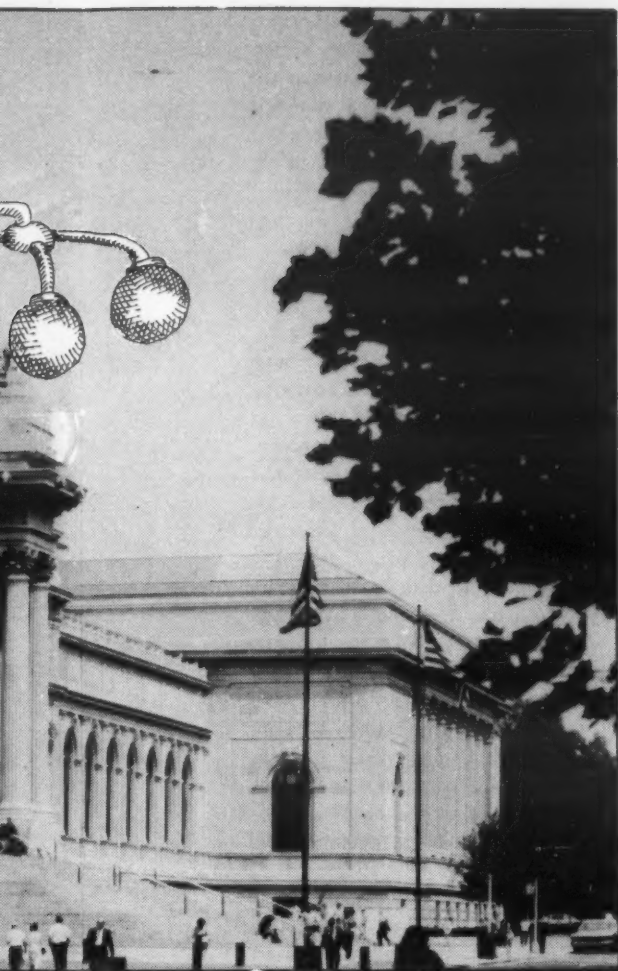
All of this new wine, however, was poured into an old cut-glass bottle. Museum trustees as a group represent a minuscule slice of American life—in few other public institutions are family and money so important. Aptly, the chairman of the

Metropolitan Museum's trustees is Douglas Dillon, former Secretary of the Treasury, once amiably nominated—in a famous essay by Richard Rovere—as the chairman of the American Establishment. Few groups in America are so persuaded of their own high-mindedness, and so impatient with the querulous misgivings of mere customers. Today, however, museum trustees find themselves in an odd position. They want the financial benefits of public aid, while retaining the feudal prerogatives of remaining private.

Chief of these prerogatives is secrecy, and next in order is an expectation of deference. Nowhere else are both traits so insensibly taken for granted as at the Metropolitan Museum of Art. By tradition, the reporter is expected to be a courtier and celebrator, not a critic. Hostile stories provoke an overkill reaction. For example, an early attack on director Hoving was an article by Sophy Burnham. "The Arrogance of Culture Power," published in *New York* in October, 1970. Burnham's complaints about the Met seem commonplace now, but at the time they could have been deemed fairly rough—and Hoving might justifiably have arranged a luncheon with *New York* editor Clay Felker to express his grievances.

There was no lunch, but instead a threat of legal action. Hoving descended on Felker's office with three lawyers, one of them Ashton Hawkins, the Met's young counsel. Tables were pounded, and a list of some 90 alleged errors was shown to Felker, the magazine's libel lawyer, and the very nervous author. One supposed error was the identification of Arthur O. Houghton as president of the museum. The disputed sentence ran: "For two hours, he [Hoving] talked to the trustees, winning over Arthur Houghton, Jr., the Met's president, and was named (at 36) the youngest museum director in the Metropolitan's history." As the context makes plain, the passage referred to the year 1966, when Houghton was president. About such matters the lawyers solemnly debated.

There was no libel suit, and no retraction, but instead a letter from Hoving and a reply by Burnham. The next time *New York* published a hostile critique of the museum, the director took a



different tack. This was in January, 1973, when art writer Jane Gollin wrote "The Metropolitan—It's Worse Than You Think." On publication, the startled author got a call direct from Hoving. "He screamed, quite literally screamed, for half an hour," she recalls. "He accused me of inaccuracy, incompetence, everything." The writer has kept detailed notes of this strange conversation, during which Hoving promised to give what he said were correct figures on the Met's financial performance. "I never did get the correct figures," Gollin says, "because my figures were from the museum's own reports."

Shortly thereafter, Hoving did have a luncheon with Felker. A few months later, *New York* published still another article on the Met, "The Secret Confessions of Tom Hoving," by Barbara Goldsmith—a monologue by the director in which he answered his critics. Other journalists were then referred by the Met to the Goldsmith article for a "balanced" account of the various museum controversies.

In other cases, the Met mounted successful pre-emptive strikes. An instance occurred at *Time*, in early 1973, during the furor over the museum's secret sales. The links between the Met and the Luce empire are old and durable—founder Henry R. Luce was a museum trustee from 1948 to 1967, and took a personal interest in the newsweekly's art department. Through the grapevine, word reached the museum that *Time*'s warm-tempered art critic, the Australian-born and London-trained Robert Hughes, was writing a critical appraisal of the Hoving regime. Met president Douglas Dillon then called his friend Hedley Donovan, editor-in-chief of *Time*, and asked that special care be taken to assure that Hughes' account was "balanced."

By this time, Hughes had already written his copy. It was shown, at Donovan's express instructions, to lawyers, and the article was rigorously dry-cleaned. When the lawyers were done, the art critic asked that his name be taken from the piece. As printed on February 26, 1973, under the head, "The Met: Beleaguered But

'The Great Exception'

On only one occasion has any American newspaper subjected an American museum to the kind of hard-edge, hard-fact reporting that the press more normally reserves for other beats. This occurred at *The New York Times* from early 1972 to mid-1973, and was the result of a unique combination of circumstances.

Circumstance #1 was the personality of the *Times*' chief art critic, John Canaday, who prickles with probity. In January, 1972, Canaday first heard disquieting rumors that the Metropolitan Museum was covertly placing on the market major works by Picasso, Manet, Cezanne, Gauguin and other masters. The story reached Canaday via Eugene V. Thaw, president of the Art Dealers' Association; Ralph J. Colin, the association's counsel; and John Rewald, the art historian. As sources go, these can be termed unimpeachable. Yet there was hesitation when Canaday proposed a news story on the rumored sales, because Met director Thomas Hoving denied the truth of the reports and because the sources could not be named.

Arthur Gelb, the *Times*' metropolitan editor, says he cannot recall the circumstances of that decision. Whatever they were, it does seem odd that the problem of naming sources was so central since every political reporter relies on anonymous informants. I am inclined to give Gelb full benefit of doubt, however, in light of his later role. In any event, unable to use the information for a news story, Canaday embodied it in a Sunday column headed "Very Quiet and Very Dangerous," on Feb. 27, 1972. The following Sunday, Hoving replied in the same space with a categorical denial ("Very Inaccurate and Very Dangerous") that claimed Canaday was 99 per cent wrong. He concluded: "The sad thing about Mr. Canaday's article is not its inaccuracy or its surprising lack of recognition of established museum practice, but that it implies strongly that the Metropolitan has been and is equivocal, clandestine and even possibly unethical in an activity it has been pursuing responsibly and well for decades."

This was Circumstance #2—that Hoving's statement quickly became inoperative. Canaday was able to report that the Met had sold two major works—one by Van Gogh, the other by Rousseau—without any public announcement of the kind Hoving had promised would be made. News of other sales confirmed that Canaday had been 99 per cent right.

Then there was The Vase, Circumstance #3. David Shirey, a cultural affairs reporter, first heard

during a holiday in Italy that a magnificent Greek krater had been sold to the Met. Later, and independently, Canaday picked up a similar report, and checked it with Hoving, who—in an apparent effort to ingratiate himself with Canaday—confirmed it. But the director also spoke to *Times* publisher Arthur Ochs Sulzberger, a member of the museum's acquisitions committee, about the vase. Hoving proposed that the *Times* publish an exclusive report in its Sunday magazine. Hence both Canaday and the Sunday department were on to the same story; in the end (it seemed to Canaday) elements of a story he had written were absorbed into the magazine piece by James Mellow, published on Nov. 12, 1972. There was ill-will all around.

Meanwhile, there were rumors that the vase, which cost the Met one million dollars, had been illicitly excavated and smuggled abroad. Gelb decided to shift reporters John Hess and Nicholas Gage to the developing museum story. In Gage's case, this meant removing him from a high-priority local story, the legal troubles of Rep. Mario Biaggi, then a candidate for mayor. Gage dropped Biaggi, and looked into the origins of the krater. By tracing import manifests at Kennedy Airport, he was able to confirm that the supplier was Robert E. Hecht, an expatriate dealer living in Rome.

Gage was dispatched to Rome, and tracked down Hecht, asking him if he had not brought the Euphronios to New York on August 31, 1972, aboard TWA flight 831 ("Have you seen my tax returns too?" the dealer replied). On Feb. 18, Gage filed a story that the *Times* ran on page one ("How the Metropolitan Acquired 'The Finest Greek Vase There Is'"). In New York, meanwhile, Shirey elicited from the museum the claim that the true owner of the vase was a Lebanese named Dikran A. Saraffian, who allegedly inherited the pot from his father. Gage flew to Beirut, and his next report ("Never Saw Vase Intact, Beirut Dealer Claims") included conflicting claims that to this day the museum has not been able to resolve in its successive statements.

All told, the *Times* spent some six months inquiring into the Met, and for the first time its readers had some glimpse into the realities of the museum world. Considering that the publisher was a Met trustee, the coverage was testimony to a tradition of staff independence. But it is an example so unique, so conditioned by special circumstances, that it lends no warrant to media self-congratulation.

—K.E.M.

3'

2'

1'



Defiant," the sanitized version contained a second paragraph accusing the *Times* of pursuing a "vendetta" against the museum. The revised copy was Olympian in its detachment: "Sometimes the *Times* seems to hint darkly at sins where there were no sins—or at most only dubious transactions." (The sentence is worthy of the legal mind, suggesting as it does that a dubious transaction is beneath press notice.)

By contrast, the article also contained a boxed insert, a profile of Hoving signed by Hughes, a transplant from the original draft. It said, among other things: "If Hoving's commitment to masterpiece culture is so extreme in its elitism that in the name of 'quality' he must sell a fine Rousseau, the very notion of quality in art is imperiled." The difference in tone between the insert and the rest of the copy was mute testimony to the

lawyers' labors. Dillon, one felt, did not waste a dime in calling Donovan.

Through such wire-pulling, the Met has sought, and often received, preferred treatment. It was able for years to conceal the fact that it had purchased for \$1.1 million—a sum greater than it paid for the Euphronios vase—a trove of gold and silver that quite possibly was smuggled from Turkey. That such a treasure was in its basement was common gossip after the cache was purchased in successive lots, beginning in 1966. There was a clear reference to the acquisition in the museum's official centennial history, *Merchants and Masterpieces*, by Calvin Tomkins, published in 1970. Tomkins almost casually noted that the museum had bought an "incredible" treasure of Greek gold and silver, "one of the most important acquisitions of Greek art in this or any other

century."

A further hint surfaced in April, 1970, in a Sunday feature by *Boston Globe* art critic Robert Taylor. The piece was essentially a defense of the Boston Museum, and its purchase of a similarly controversial treasure. Taylor contrasted Boston's decision to display its trove with the secrecy at the Metropolitan, which he suggested had bought a Lydian treasure smuggled from Turkey. The report reached Turkey, and a formal inquiry was pressed. When a London *Times* story about the treasure reached *The New York Times*, the paper questioned the Met's chief curator, Theodore Rousseau (Hoving was away at the time). Rousseau denied that the museum had imported anything illegally from Turkey but tellingly added that what he heard "seemed to be hearsay fabricated around something that might have a kernel of truth to it."

Inexplicably, it took three more years for any New York publication to inquire into the "kernel of truth" about the Lydian treasure. Eventually, the *New York Post* dislodged the story in February, 1973; the paper was told by Dietrich von Bothmer, curator of Greek and Roman art, that the treasure cost "in the neighborhood of \$500,000." A year later, in an interview on an ABC television "Close-Up" documentary, Hoving disclosed that the price in fact was \$1.1 million, making the cache one of the costliest acquisitions in the museum's history. And to this day, only five of the hundred-odd pieces in the treasure have been placed on public display.

In this instance, the Met's behavior is difficult to explain, and impossible to defend. The formal explanation is that gallery space has been lacking to exhibit the hidden treasure—though an entire room was found in which the Euphronios krater could be displayed. Lack of gallery space cannot justify the museum's failure to let a visiting Turkish archaeologist examine first-hand the trove in its basement. As it happens, the Turkish scholar, Bourhan Tezcan, was the excavator of a Lydian tomb that may have been the source of the Met's hoard. He was shown photographs of the museum's holdings, and was later mailed pictures of the five pieces that had been put on exhibition.

In fairness to Hoving, he has limits in his authority in dealing with museum curators. Departmental curators are by tradition autonomous, and not only at the Met. At the Museum of Modern Art, department heads are referred to as "Chinese War Lords." At most great art museums, the director presides over an amalgam of contentious duchies, each with an overlord jealous of the least imagined invasion of accustomed prerogative.

And here indeed is the core of the problem—what the departmental curator has been to the museum, the museum has been to the community around it, a moated island of limited accountability. History strongly suggests that unless new attitudes evolve, an angry populism will swell over the moats, imperiling what is valid as well as transforming what is questionable in museum tradition.

One may ask what difference it will make. The best answer is that the museum, like the art it encloses, is an image and metaphor. As a nation, we have shown an incorrigible weakness for equating size with quality, cost with merit, and social status with wisdom. We have likewise shown a certain condescension to the claims of smaller and poorer countries whose glory lies in the past. Our museums fairly mirror these attitudes. Happily, there are also acids of self-criticism at work and fortunately they afflict all our institutions, including museums. The press has a palpably larger role to play in that critical process.

'Quis Custodiet . . . ?'

The roster of museum trustees reads like an Almanach de Goth of the media peerage. In city after city, the owner or editor of the local paper is also a trustee of the local museum—or their wives are. The benefit to the museum is obvious—a sympathetic press advocate where it counts, at the top. But, in Juvenal's words, "*Sed quis custodiet ipsos custodes?*" (But who is to guard the guards themselves?). A sampling of press trustees follows:

NEW YORK: Arthur Ochs Sulzberger, publisher of the *Times*, has been a Metropolitan Museum trustee since 1968; his father served from 1945 to 1964. (The young Sulzberger is a member of the Met's crucial acquisitions committee.) Henry R. Luce, founder of the Time-Life empire, was a trustee from 1948 until his death in 1967. At the Museum of Modern Art, CBS chairman William S. Paley became a board member in 1930 and was elected president of the museum in 1968 (a leading collector of modern art, Paley has been at the center of MOMA's successive internal crises).

HOUSTON: Oveta Culp Hobby, chairman of the board of the *Post*, has been a trustee of the city's Museum of Fine Arts for nearly a decade.

ST. LOUIS: Joseph Pulitzer, Jr., owner and editor of the *Post-Dispatch*, is a commissioner of the city's Zoo and Museum Department, and as a leading collector and patron is an eminent supporter of the St. Louis Art Museum.

BOSTON: Erwin D. Canham, former editor-in-chief of *The Christian Science Monitor*, has been a trustee of the Boston Museum of Fine Arts since 1968, and during that institution's time of troubles served as an envoy to the media.

MINNEAPOLIS: John Cowles, Sr., retired head of the corporation that publishes the *Tribune* and *Star*, became a corporate trustee in 1942 of the city's Society of Fine Arts, governing body of the Institute of Art; he was elected honorary trustee in 1967.

SAN FRANCISCO: Mrs. Randolph A. Hearst, wife of the publisher of the *Examiner*, has been a trustee of the city's Museum of Art since 1964.

BALTIMORE: Mrs. Perry J. Bolton, wife of the director of corporate development of the *Sunpapers* (who in turn is the nephew of *Sunpapers* chairman Gary Black), is a trustee of the Walters Art Gallery. Fred I. Archibald, former president of the *News-American*, is a trustee of the city's Museum of Art.

HONOLULU: Thurston Twigg-Smith, president of *The Advertiser*, is a trustee of the island's Academy of Art.

CHICAGO: Marshall Field, IV, publisher of the *Sun-Times* and *Daily News*, is a trustee of the Art Institute, the city's major museum, and is involved in the museum founded by a forebear, the Field Museum of Natural History. He is also a governing board member of the John Crear Library.

LOS ANGELES: Mrs. Otis Chandler, wife of the publisher of the *Times*, is active in the city's art life and is a trustee of the Otis Arts Institute.

ATLANTA: Jack Tarver, the president of the Cox-owned Atlanta Newspapers, which publishes the *Journal* and the *Constitution*, and Jack Spalding, the editor of the *Journal*, and Leonard Reinsch, chairman of the board of Cox Cable Communications, are all connected with the Atlanta Arts Alliance. Both Tarver and Reinsch are trustees of the Arts Alliance, which controls the Alliance Theater, the Atlanta Symphony Orchestra, the College of Art and the High Museum of Art. Spalding sits on the Board of Sponsors of the High Museum.

MILWAUKEE: Donald Abert, the president and publisher of the *Journal*, is a member of the executive committee of the board of trustees of the Milwaukee Art Center.

DENVER: For the past year, Michael Howard, the managing editor of the *Rocky Mountain News*, has been a trustee of the Denver Art Museum. The president and chairman of the board of the *Denver Post*, Donald Seawell, has served on the board since 1972.

MEMPHIS: Guy Northrop, the editorial page editor of the *Commercial Appeal*, has been on the board of trustees of the Brooks Memorial Art Gallery since before 1971.

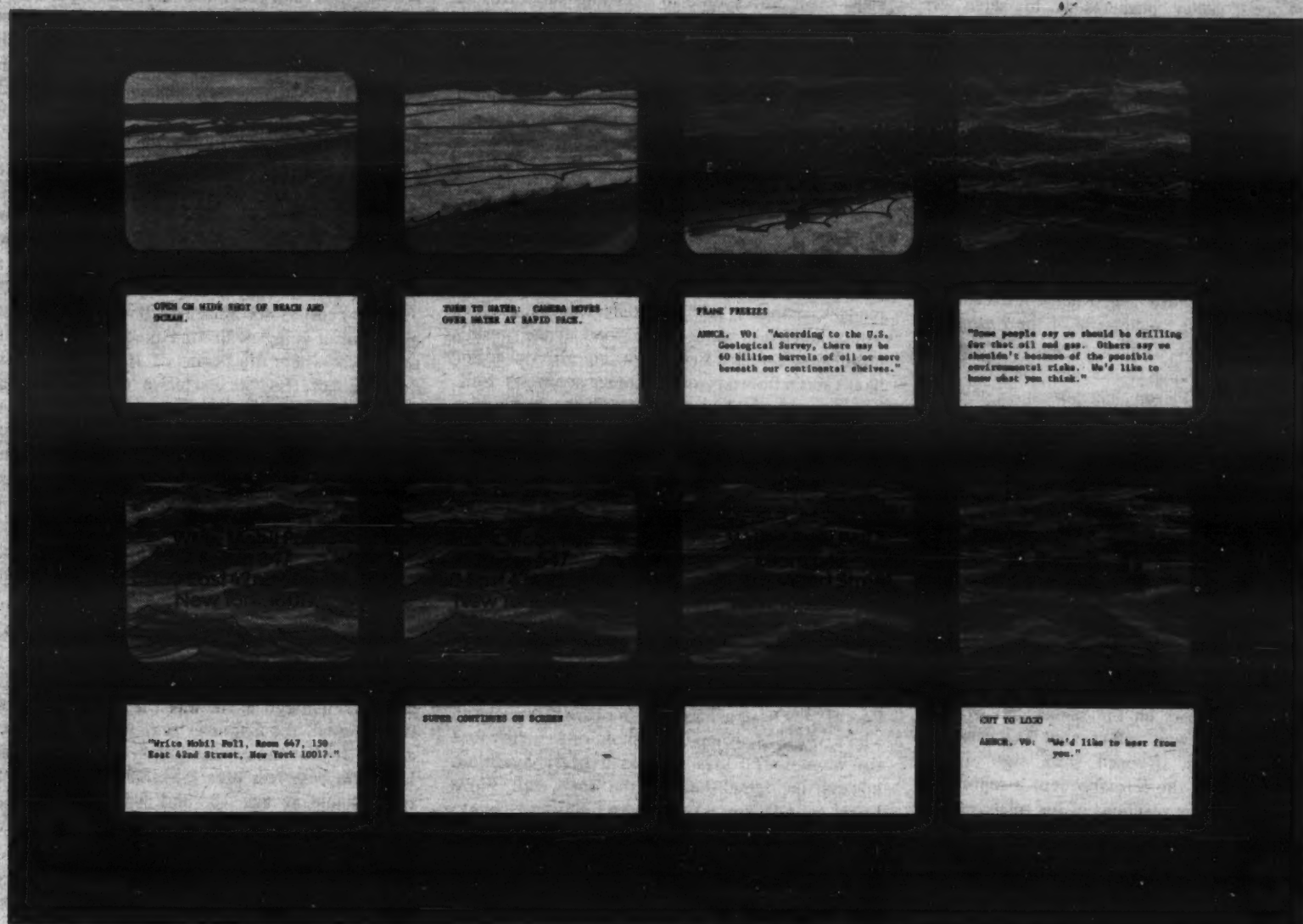
INDIANAPOLIS: Eugene C. Pulliam is in his third year as a trustee of the Indianapolis Museum of Art. He is also the president and publisher of the Indianapolis *Star* and *News*.

PHILADELPHIA: Mrs. W.A. Annenberg, wife of the former publisher of the *Inquirer*, and Mrs. Robert McLean, wife of the chairman of the board of the *Bulletin*, are both trustees of the Philadelphia Museum of Art.

DES MOINES: Since 1955, David Kruidenier has served as a trustee of the Des Moines Art Center. He is also the president and publisher of Des Moines' two dailies, the *Register* and the *Tribune*.

PHOENIX: Harry Montgomery, who recently retired as the associate publisher of the *Republic* and *Gazette*, has been a board member of the Phoenix Art Museum for nearly ten years.

Why do two networks refuse to run this commercial?



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"We regret that the subject matter of this commercial...deals with a controversial issue of public importance and does not fall within our 'goods and services' limitation for commercial acceptance."



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We think more discussion, not less, is needed of vital issues such as the issue of America's energy needs. We're willing to buy the time to say what we should be saying. We're willing to buy time so you can hear opposing views.

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Exclusive! Now It Can Be Told . . .

(continued from page 1)

Enquirer's offices in the West Palm Beach suburb of Lantana, Fla., the future seems just what the doctor ordered.

Pope's policy primeval is to serve his subscribers, and their vibes on the editorial Ouija board alone guide his hand. The result, as *Enquirer* promotions director Tom Carlisle conceded to *Palm Beach Post-Times* reporter Susan Hixon the Friday before he was fired, is a paper written "for the 12 year-old mind in the body of a 35 to 40 year-old housewife."

Pope policy also decrees a story run only if it promises to interest 50 per cent of the readership. A corollary limits the paper to good or morally edifying news and stories generally to 700 words or less. (Also, they must be timeless—except for breaking "exclusives"—because of the *Enquirer's* three-week lead time.) Indeed, on the "storyboard" that tells *Enquirer* journalists what they're doing, there are only eleven categories: Consumer Topical, Crime Off-Beat, Rags to Riches, Human Interest, Government Waste, Serial Books, Psychics, Celebrity/Personality, How-To, Science-Medicine, and fillers.

Politics is out, along with sports, finance, sex (thought offensive to *Enquirer* readers in its new, upward-bound incarnation), stories regionally limited in their appeal, and all stories well-covered in other media. Drugs and pollution were big at one point, but dropped according to Pope because, "When we went strongly into those areas, it did nothing for our circulation." Watergate has been handled with a story on the horoscopes of principals. Spiro Agnew, a well-covered *Enquirer* hero in his first term, dropped from sight in his ignominy, though the *Enquirer* sent a reporter to Greece to catch the reactions of his relatives after the fall, and the executive editor Iain Calder did a piece on how psychic Jeane Dixon had confided to him before the resignation that Agnew was doomed.

Pope's weekly sales gross of about \$700,000 is matched only by his aspirations, and he spends accordingly. Editorial outlays last year topped \$5 million, most of it to pay a full-time staff of 84 with salaries ranging from 20 to 70 thousand dol-

lars a year; stringers, \$125 and up per story; globe-trotters, \$250,000 in expenses; and Southern Bell Telephone Co., \$60,000 a month.

The point of it all: "I'd like to see the *Enquirer* a major force influencing human events not only in the U.S. but (throughout) the world," Pope wrote in response to questions submitted in writing, the only terms on which he would agree to an interview. "With sufficient circulation, around 20 million a week, I think the *Enquirer* could apply enough pressure to bring about needed social reforms. Worldwide, if we can reach the common people, we can help them solve many of today's problems. Every government must respond to the wishes of its people."

The metaphor for the *Enquirer's* production is industrial: story ideas come from readers, stringers, and 14 articles editors, each of whom receives a random deskload of the world's publications daily. Each idea an articles editor likes rates a file and a one-sentence summary. Full-time story evaluators decide from the summaries whether to commit for a story. Under each articles editor are an assistant and three to four reporters hired by him and working solely for him on assignments not given stringers. Reporters write story files only, which go to the articles editor, then to evaluators, and then on to senior writers for assignment to one of 10 rewrite men who convert the files into *Enquirer*-ese.

Back-checking and re-querying is almost a religion. Each editor feels he must come up with some query to show he's on top of the story. So a stringer, if he's working on the story, gets an erratic flow of directions asking him to prove that the man who says he's a bishop is a bishop, or to certify that the woman who says she has a heart condition, however incidental that is to the story, really has a heart condition. Yet, even medical back-checking, about which *Enquirer* editors are piously meticulous, can be thwarted. "Say you've got a dermatologist who says sunlight cures acne," one stringer explains. "To get the story in, you need good medical support, and generally that means three other doctors. I've made as many as 35 calls before getting three endorsements. You just don't report the 32 who said your dermatologist was wrong."

The backbone of the *Enquirer* two years ago, stringers are now being replaced by reporters whose full-time job is to answer such questions as WHY VIEWERS STILL LOVE 'LUCY' AFTER 22 YEARS ON TV. But finding journalists willing to trade the *Enquirer's* rock-bottom psychic income for \$20,000-plus salaries isn't so easy, since most sharp reporters work for rewards other than money and Pope knows it. The solution has been to go British, particularly for reporters. "The Brits are trained in competition, which to my mind is the inspirer of great journalism," says Calder, a 34-year-old Scotsman with a British tabloid background.

The *Enquirer* brand of journalism demands considerable ardor. Getting the story of John Wayne's recent split from his wife Pilar required calls every 20 minutes for two days to get past her maid, then some rich sweet talk, then a ride to Arizona to talk Wayne into a parallel interview. The story cost \$1,400 and ran 650 words. Just to get a picture of villagers in an Ecuadorian mountain tribal seat where life begins at 100 required four days of trek. For an exclusive on the wedding ceremony of actress Sue Lyon and convicted murderer Gary Adamson, *Enquirer* associate editor Alan Markfield found the minister, set up the ceremony with jail officials, gave away the bride, then sequestered Lyon for a week before and a week after the wedding to protect the paper's scoop. "We actually didn't relax until that edition went on sale," Markfield says, with the breathless eagerness that makes him promising.

On another occasion, the *Enquirer* seriously contemplated chartering a jet to rush shots of South African sextuplets to Lantana in time for deadline. Though a commercial flight was eventually found, the *Enquirer* may face the problem again. It has an undisclosed sum—reportedly \$5,000 in base fees plus a \$1,000 a year retainer, renegotiable at age 18, and \$500 per shooting session—for exclusive photo rights to the six infants.

Cost means nothing at the *Enquirer*. Faced with a picture of 17 Swedish women said to have broken their arms "simultaneously" in Stockholm's first snowfall last November, photo editor Bob Young, late of the London *Sun*, called a Swedish correspondent to find out how simultaneously. "Within a day," the correspondent

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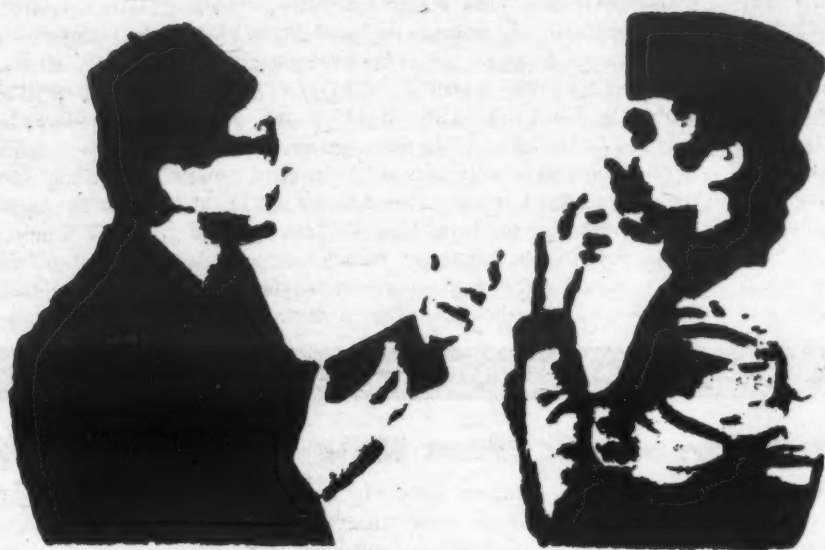
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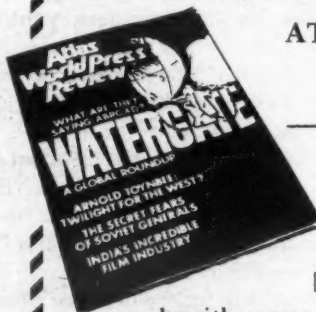
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said. Young wrote out a \$25 pay voucher for the correspondent. "I got him out of bed, after all," he explained.

"Gene Pope likes to keep people off-balance," says ex-executive editor Mel Snyder, who was there at the creation back in 1952. His *Enquirer* career tailed off and out last year in favor of Calder, a Wayne Newton look-alike who shares publisher Pope's affinity for blue patent leather shoes, which recently have become popular, too, among the articles editors Calder oversees. A similar mysterious force helps keep lids on most transported coffee containers, an outgrowth of the legend, perhaps apocryphal, that Pope once fired a reporter for spilling coffee on the office rug.

Anxiety, which Calder translates as

"bringing out the pride," is intensified by several management devices: a color-coded bulletin board at the entrance to the newsroom lists all the stories in progress under each articles editor and charts their weekly movement. An articles editor's status depends greatly and publicly on his ability to place stories on the *Enquirer* cover: the week's headliner (U.S. SENATOR BARRY GOLDWATER IS CONVINCED UFOs ARE REAL) is top prize, followed by the cover-photo story, perforce limited to celebrities since celebrities sell best. Then come the six catchiest features, indexed to the left of the cover-photo, and the best "How To" story, boxed to the right of the masthead. Conversely, a story scrapped is a demerit of consequence determined by how far up the editorial ladder it has come and

who kills it. Since a Gene Pope kill is a demerit indeed, the *Enquirer* gets what Gene Pope wants even before he wants it.

Gene Pope bought the paper, then the *New York Enquirer*, in 1952. William Randolph Hearst had thrown it together in 1926 to breach the Sunday afternoon gap and by 1952 its circulation was down to about 17,000. For \$75,000—\$20,000 down—Pope bought into a paper with one full-time employee and about \$70,000 in debt notes. He had something special from the start, though: the heartfelt backing of racketeer Frank Costello. Pope's father, Generoso, Sr., was an Italian immigrant of Costello's vintage who had made it big in construction with the Colonial Sand and Stone Company and made it big with a legitimacy that

'Three Girls Are Riding Horseback From New York to California...Find Them!'

An all-expense-paid, 30-day tryout at \$385 a week with lots of travel was the deal—and let me say right now I was in it for the money. My Hertz car, courtesy of the *Enquirer*, was waiting at the West Palm Beach airport, and a hotel room at the ocean-front Palm Beach Holiday Inn was ready as promised. I would sign for my meals at The Captain's Table. Monday morning I reported to work in nearby Lantana.

Inside the *Enquirer's* low, tile-and-glass building, paunchy men and serious young women are bent to their various assembly-line tasks. Articles editors pore through piles of newspapers from every state looking for story ideas. Women type. Reporters with Glaswegian and Lancastrian accents try to make themselves understood as they talk and shout on the phone to the far corners of America. Bulletin board biographies announce that among the new reporters are a former speech writer for Canadian Premier Trudeau and assistant editor of the defunct Toronto *Telegram*, a young but experienced Seattle *Times* reporter, and a Granada TV reporter who'd produced both a book and a prize-winning documentary on the war in Northern Ireland.

The first thing I learned is that nothing goes into the paper that cannot be backed up or verified. Only psychics and celebrities can be taken at their word. Medical stories, for example, need three doctors for "back-up." Consumer stories must be confirmed by people with Ph.D.s. I was assigned to verify ESCAPE FROM THE RAT RACE, a freelancer's story about an American expatriate happily growing vegetables in Tahiti. I'd been to Tahiti and the story sounded true to me; there were even accompanying photographs. But I had to call Tahiti and spend the afternoon discussing this man with the Minister of Information for *Polynesie Francaise*, who provided nice quotes about the subject's contribution to the island's economy. "You've gotta have quotes from people who worked with him or knew him when he was in the rat race," articles editor Maury Breecher told me. So there were hours of calls to New York, the escapee's home before he left the rat race. It turned out he'd gone to Tahiti a year out of college after working a short time for the Bar Association in New York—and nobody there wanted to be quoted in the *Enquirer*. Besides, "that's not long enough to qualify as a member of the rat race," said Maury. "He's gotta be in the rat race at least ten years." But Maury liked the story anyway, and put it through to the next group of editors, known as "evaluators." They killed it. Next story.

"Three girls are riding horseback from New York to California," Maury announced at his desk the following morning. "We think they're

somewhere in Southern Colorado right now. Go find them." Within two hours an expense advance was ready, hotel reservations confirmed, Hertz car reserved, and I left for Chicago and Colorado Springs and the Antlers Plaza. I found the three sunburned travelers resting their horses for a day at a ranch near Walsenburg, Colorado, did an interview, and had them saddle up for photographs. Three months later, after the women had completed the trip, the story ran, trimmed down from 4,000 to 270 words.

In Denver I checked into the Brown Palace and called Maury, who promptly sent me to Tulsa to cover a "Conference on Growth with Environmental Quality," sponsored, it turned out, by the Oklahoma oil companies. The auditorium full of oil executives laughed Laurence Moss, president of the Sierra Club, right off the stage. Agnew was supposed to give a speech there that night, but, as it was the week that he was planning not to resign, he didn't make it. I called Maury.

"No story, eh?" he said. "Well, I've got another one for you. In Scottsdale, Arizona, three guys just returned from a six month trek from Phoenix to Calgary, Alberta, on foot, living like 1840s mountain men. Go interview them." Several flights later, I checked into the Scottsdale Hilton, found my mountain men, and listened for hours to tales as tall and as wonderful as any Mountain Man Jim Bridger ever told. My exciting, adventure-filled, drama-packed file was later sifted and shortened by *Enquirer* specialists into copy guaranteed to put the reader to sleep.

I spent a day by the pool soaking up the desert sun, then called Maury. "Got a good one for you," he said from faraway Lantana. "Up in Thermopolis, Wyoming, there is an amputee who helps other amputees by fitting them with artificial limbs." "Far out!" I said, and the next morning hopped from Phoenix to Denver to Cheyenne to Casper to Riverton to Worland, where I rented a car and drove the 40 miles to Thermopolis. The *Enquirer* had learned about the prosthetist from a story in the *Denver Post*. The expert limb-fitter, who made and replaced his own wooden legs as they wore out, was a great subject: he cried when he told about amputees, young and old, who were able to walk for the first time because he was able to fit them where other prosthetists had failed. Pure *Enquirer*! Lots of emotion! I took a bunch of photographs in the brace and limb shop, and eleven airplane landings later I was back in Lantana with my batch of stories.

"The photos of the Wyoming amputee are great!" said Maury. "The story is good, lots of emotion. Now we have to get some doctors for

back-up. Gotta have a surgeon say he really is an expert artificial limb fitter." I said, "But the *Denver Post* didn't have back-up. They just ran the interview with him." Maury said that wasn't good enough for the *Enquirer*. Six months later I learned that Maury had found one Wyoming surgeon to verify the man's expertise, but the evaluators had wanted two surgeons, which Maury couldn't find, and so they killed the story.

My next assignment was to attend a Conference on Obesity at the National Institute of Health in Bethesda, Maryland, along with another *Enquirer* reporter, Bob Mann, formerly of the *Chicago Tribune*. Bob had gladly traded his \$10,000 cub salary for \$20,000 at the *Enquirer* and later he had become famous for cover-stories like SCANDALOUS EPIDEMIC OF TOOTH DECAY IS SWEEPING AMERICA. Our job: talk to doctors, come up with leads for diet stories, take the diet doctors out to dinner, find out what they eat. After three days of slides and technical medical reports on subcutaneous adipose tissue, I learned that people get fat mainly because they eat too much and that medical science has found no cure for obesity. Out of that we came up with 35 story ideas and a whole lot of obesity specialists and doctors who said they wouldn't mind being interviewed by the *Enquirer*.

Back in Lantana, I spent my final week doing telephone reporting. I talked to the other reporters. One had been there five months and had gotten two stories in the paper; all the rest had been killed. Reporters came and went. A slow Southerner with a crewcut came back from Bali and Fiji where he'd written about island paradises. A fat Englishman returned from Chad and Upper Volta where he'd written about starving people. A former *Daily Sketch* reporter left for Austria. A month before, three reporters had been sent to Vienna to cover a heart specialists' convention. They returned without one usable story. Nice trip, though.

Maury came inside from his daily 15 minutes of transcendental meditation under a tree—said he'd picked it up when he covered a TM retreat—and told me I had the job if I wanted it. I said I didn't think the *Enquirer* was where I wanted to be, exactly—it was really tough getting all that back-up. I decided to go back to freelancing in New York. I didn't tell Maury I hated to fly.

—ROGER NEVILLE WILLIAMS

Roger Williams has been a writer/reporter for WNBC-TV News and is author of *The New Exiles* (Liveright). He is currently working on a book about P.O.W.'s.

the racketeer envied. Precisely how is not one of the rags-to-riches stories on which the *Enquirer* thrives.

"There's some good and some bad there," said John LaCorte, president of the Italian Historical Society of America. "Fortune Pope [Gene, Jr.'s brother] should probably be the one to tell you."

"You really should ask Gene," said Fortune Pope.

"I am not an authority on the details of how my father built up his sand company," the publisher responded.

It's known, in any event, that Pope, Sr., prospered through municipal contracts during Mayor Jimmy Walker's administration and thereafter by parlaying Tammany Hall contacts (which is to say Costello's power or consent) with his own political clout as publisher of the Italian-language paper, *Il Progresso*, bought in 1928. In addition, he chaired the Columbus Day Committee, established the Pope Foundation for New York area and native Italian charities, and topped the list of New York Italian-American influentials until his death in 1950, leaving most of his money to the Pope Foundation. In 1949, Pope, Sr., had been campaign treasurer for Mayor William O'Dwyer, Costello's subsidiary in Gracie Mansion.

Gene, Jr., 23, and fresh out of MIT via a year in Washington with the C.I.A., inherited his father's Honorary Deputy Police Commissioner badge and was appointed by O'Dwyer to the city Board of Higher Education—moves widely interpreted as godfatherly assists from Costello. When O'Dwyer resigned in 1950, his successor, Vincent Impellitteri, his power base in Harlem more than in Little Italy, swiped at Pope in a half-hearted effort at housecleaning. Pope lost his salutes from policemen and his special parking privileges on the grounds that he was an "emissary" for Costello. He kept his higher education post after Mafia capo Joe Profacci arranged a peace with Impellitteri. And it was Costello to whom Pope allegedly turned after he bought the *Enquirer*.

"Each week, Costello would loan him ten thousand dollars to meet operating expenses," writes Leonard Katz, the *New York Post's* underworld expert, in his Costello biography, *Uncle Frank*. "Pope would repay the loan promptly the following week in two five thousand dollar installments as revenue from newsstand sales rolled in. Costello continued to loan Pope money for his payroll even when he was in jail [May, 1956, to April, 1957]. Bobbie [Costello's wife] or Big Jim O'Connor [his doorman] would deliver the cash." With time out for the period Costello was in jail, according to Katz, Pope, Costello, Bobbie and *Enquirer* columnist John Miller and his wife dined together an average of twice a week. Asked about the relationship, Pope refused comment beyond saying that "Frank Costello never bankrolled the *Enquirer*." It is known that as the *Enquirer* prospered and Costello floundered amidst declining influence and rising notoriety, Pope cut the connection.

By the end of 1957, a mixture of general human interest stories, celebrity news and off-beat court action had vaulted the circulation to 250,000. When it stuck there, the now legendary lurid period commenced, filling the *Enquirer* with stories like **MOM BOILED HER BABY AND ATE HER** and **MADMAN CUT UP HIS DATE AND PUT HER BODY IN HIS FREEZER**. The

transition also filled Pope's coffers: by 1962, the paper was selling a million copies a week and had become the *National Enquirer*.

A close friend in the '60s was New York congressman Mario Biaggi, then a community relations specialist in the Rockefeller administration's Housing Division. The friendship had begun, by Biaggi's account, in 1948-49 when he was a hero cop and, as vice president of the Patrolmen's Benevolent Association, was involved with civil service scholarships contributed by the Pope Foundation. Many thought Biaggi had shown surprising power, in his PBA election win, for a group dominated by the Irish. Some saw Costello and Tammany Hall behind Biaggi in a strategy to create a judicial-political-civil service coalition to resist then-Mayor Fiorello La Guardia. Costello, Tammany Hall and New York's police and fire associations were all among La Guardia's anti-corruption targets.

According to Biaggi, his visits to Pope, which a veteran *Enquirer* employee remembers as weekly and Biaggi remembers as less frequent, were because "he's a friend of mine." Of the theory that Biaggi was keeping Pope apprised of the underworld's response to his alleged new-found independence from Costello, the congressman's response was pungent: "Tell any cocksucker who says that about me that I'll break every fuckin' bone in his body."

Enquirer-Biaggi connections were among the issues probed in a federal grand jury hearing in 1971, and among those on which he refused to testify. The refusal, first denied and then disclosed in May, 1973, following a lengthy legal battle, helped drop Biaggi from the New York mayoral race ["How The Press Stopped Biaggi"—August, 1973]. In testimony on Nov. 26, Biaggi was asked whether a member of his staff had had part of his salary paid by the *Enquirer*. Biaggi refused to answer, though he had, in an earlier session, testified on the subject. "Well, because he was a good public relations man," Biaggi said then. "He had contacts with the entire news industry and... was in a position to say good things about the [paper] as well as performing services for myself, and frankly, their main objective... in the last number of years was to improve the image of the paper. At one time it was regarded as a taboo paper." The employee, whom Biaggi now identifies as Dom Frasca, was "only a stringer for the *Enquirer*," and Biaggi says he erred in the early grand jury testimony. Pope denies that any *Enquirer* employee has ever worked for Biaggi.

At the time Biaggi's grand jury testimony was released, *New York Times* reporter Nick Gage wrote that sources had confirmed "that the staff member did work for the *Enquirer* and that other individuals who have worked on Mr. Biaggi's campaigns received money from the *Enquirer* without rendering services to it." Both Pope and Biaggi deny the reports. Biaggi adds that there's been little connection with Pope in recent years. "Gene does his business and I do mine."

When Pope found in 1966 that he'd "saturated the gore market," he told then-*Wall Street Journal* reporter A. Kent MacDougall, "I decided to clean up the *Enquirer* and turn it into a condensed version of *The Reader's Digest*." A second force for conversion was the decline of newsstands in the wake of New York's newspaper strikes, and the growth of supermarkets, drug stores and convenience stores as outlets for magazines. Entree to them, with the *Enquirer's*

lurid copy, was impossible.

The conversion, effected at the cost of 100 per cent a year staff turnovers and a loss of 250,000 subscribers, took two years. Out went **I CUT OUT HER HEART AND STOMPED ON IT**. In came **MULTIMILLIONAIRE JEWELER BEGAN WORK AS \$3 A WEEK SODA JERK**. Out went **I SAY 'NO' TO A PASSIONATE POTENTATE AND HE AND HIS HALF-MEN BEAT ME INTO SUBMISSION**. In came **MAE WEST TELLS: 'HOW THE PSYCHIC WORLD HELPED ME'**. Where once the *Enquirer* relied for much of its color upon the imagination of its stringers, in came the dictum: to qualify for a rags-to-riches story, the subject must once have been so poor he was hungry and must now be worth more than \$3 million. Perhaps in pursuit of fresh-aired virtue, Pope moved the *Enquirer* first to Englewood Cliffs, N.J., then to Lantana.

Brought in to pursue respectability was William Hall, a young St. Louis supermarket executive proud that the *Enquirer* is now "among the top 25 non-perishable items in supermarket sales velocity." That was the strategy—to sell the *Enquirer* to its distributors as a product selling more and faster (which it does) than Campbell's Chicken Noodle Soup or Bayer Aspirin 100s. The competition, Hall said before he left the *Enquirer* to become a marketing consultant, is not the *Enquirer's* look-alikes, *Midnight* and the *National Tattler*, but display space competitors like *TV Guide*, *Women's Day* and *Family Circle*. (If *Midnight* and the *Tattler*, each with circulations of about 700,000, aren't competition it's news to them. The Chicago-based *Tattler* claims in a pending \$13 million civil suit that the *Enquirer* has offered under-the-counter payoffs to distributors and coerced wholesalers to favor the *Enquirer*. *Enquirer* spokesmen are mute on the suit.)

Lending a hand in swamping the supermarkets was New York public relations man Henry Dormann, a long-time friend of Pope's and then the *Enquirer's* board chairman. It was Dormann who converted the *Enquirer's* political neutrality into an asset and made Lantana a stopping-place for the likes of Ed Nixon and Melvin Laird. When conventionering supermarket executives toured backstairs at the White House recently at the *Enquirer's* invitation, Laird was the guide.

Gene Pope has decided that this is the year of the take-off, the year to sell five million copies a week by November. An *Enquirer* first—\$1.4 million in TV, radio and magazine advertising—will announce to the world that the *Enquirer* is "The Good News Medium" and "The Sensible Side of the News," slaying, Pope hopes, all memories of its ghoulish past. For the first time, the *Enquirer* will carry national brand advertising, expanding its ad hole from 21 to 55 per cent. The immediate circulation target is to outsell *Time*.

The audience is out there. After the *Enquirer* ran a recent "Young Achiever" article about literary agent David Obst (27-YEAR-OLD COLLEGE DROPOUT HAS SOLD 70 BOOKS TO PUBLISHERS IN TWO YEARS), he received some 1,000 calls, letters and manuscripts within a three week period. After a while, Obst—whose clients include *The Washington Post's* Watergate team, Bob Woodward and Carl Bernstein, and My Lai author Seymour Hersh—was so swamped that he told *Enquirerers* that he'd retired. "The best call," recalls Obst, "was from a man in Seattle who wanted to sell me the exclusive rights to the autobiography of God, who he had locked in his garage."

Bloomingdale's Meets Bleecker Street

BY CARY REICH

Perhaps no theme preoccupies *The Village Voice* and *New York* magazine more than power. But two publications could hardly approach the subject more differently. In the pell-mell pages of the *Voice*, power almost always corrupts. And at its best (which even its admirers concede comes too seldom), the 19-year-old weekly supplies a peculiar and important brand of skeptical journalism. In the slick pages of *New York*, power positively delights. And for every piece critical of the political or corporate establishment there are ten that court the powerful and pander to the magazine's upwardly mobile readership.

Predictably, power also fascinates Clay S. Felker, *New York*'s co-founder, publisher, editor and chief Svengali. Which goes a long way toward explaining why he engineered the magazine's purchase of the *Voice* last month. Predictably, too, the deal makes the *Voice* staff very nervous, although few of them as felicitously so as Alexander Cockburn, who observed in his "Press Clips" column June 13:

There are great possibilities in the co-existence of the two magazines under one umbrella. Writers here are eagerly starting new projects symbolic of the change: Recipes of the 10 Worst Bisexual Judges, How Jews Talk to Their Gay Plants, the 50 Lowest Salaries in New York, Best Dog Runs, Renovating Your Brownstone into a Welfare Hotel. To speak for myself: this column has always fearlessly attacked the weak and defended the strong. For a sycophant such as myself there is something dizzying yet exhilarating at the thought of so many new asses to kiss.

Of the nine fundaments that now sit on the New York Magazine Co., Inc. board, seven are squarely in the *New York* camp: Felker, who is president of the company; Alan J. Patricof, a friend and venture capitalist, who is chairman; Milton Glaser, who has been the magazine's design director from the beginning; Thomas Kempner and A. Robert Towbin, investment bankers; James O. Wilson, a Harvard government professor, and Theodore H. Kheel, the lawyer and labor mediator, and another Felker friend. The *Voice* is represented, if that is the word, by city councilman Carter Burden, who was the principal owner of the publication until the sale, and his lawyer, Peter Tufo. And besides being outgunned, the *Voice* has no editorial representation on the board.

Like media barons are supposed to when they move in, Felker insisted in a press release that "there are no plans whatsoever of intermingling the two publications." But many *Voice* staffers are not convinced and, though most are taking a wait-and-see attitude, they fear interference with the paper's freewheeling nature and the possibility of a new editorial director to replace editor Daniel Wolf and/or publisher Edwin Fancher. Fancher and Wolf founded the *Voice* (along with Norman Mailer), and despite the fact that they sold out most of their interest to Burden and his batman, Bartle Bull, four-and-a-half years ago, they are still viewed by the staff as symbols of the publication's independence.

A meeting Felker had with Wolf and Fancher a week after the sale was announced did

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The purchase of The Village Voice by New York may be only the beginning for the magazine's imaginative and ambitious publisher, Clay Felker. Says one of his writers: "He wants to be another Lord Beaverbrook or Henry Luce."

nothing to boost staff morale, even though he said he intended to have Glaser redesign the *Voice* and hoped to develop more out-of-town circulation—improvements most *Voice* staffers would welcome. What Felker didn't do was assure Wolf and Fancher that their contracts would be renewed when they expire at the end of the year. "What he indicated," says Bull, "was that he would see over the next few months whether they could work satisfactorily together."

Actually, uncertainty about Wolf and Fancher's fate predated the sale. Various staff members had been trying for weeks to set up a meeting with Burden to discuss the editor and publisher's future, but were repeatedly told he was too busy with City Council matters to see them. The breakdown in communications got so bad at one point that several staff members threatened to march on City Hall and confront Burden there. No one at the *Voice* knew of the talks, despite the fact that rumors were afloat uptown at *New York*'s 32nd Street offices. Even Bull, who owned about 24 per cent of the *Voice*, didn't learn of the negotiations until they were far along.

Burden finally got around to meeting the staff on June 6, two days after the agreement was completed. By that time, the 14 top *Voice* editors and writers who gathered in city editor Mary Perot Nichols' apartment in the Village had a good deal more to talk about than just Wolf and Fancher.

Burden explained the deal as a matter of financial necessity—for himself. "He said he needed the cash. He had a bank loan pressing on him, he had alimony payments he had to make, the stock market was going down," one staff member recounted. While the recitation of his financial plight answered some questions, it didn't evoke much sympathy from the writers and editors. "There wasn't a wet eye in the house," cracked one. What was pressing Burden wasn't just the interest due on the bank loan he and Bull had obtained in order to buy their interest in the *Voice*—a loan with a rate pegged at one per cent above the current stratospheric prime rate of over 11 per cent—but also a payment of \$700,000 that he and Bull were supposed to make to Fancher and Wolf this year, as part of the agreement four-and-a-half years ago by which Burden and Bull purchased Fancher and Wolf's controlling interest in

the *Voice*. Burden and Bull, it turns out, had bought the *Voice* on the installment plan—paying off the former owners in chunks, partly financing those payments through bank loans, then paying interest on the unpaid principal on both sides.

Burden didn't go into those details at the meeting. But he did disclose how much Fancher and Wolf had made out of their sale—\$3.7 million, including interest payments. And those who were present say he kept dropping the figure into the conversation. "What he was saying," says a staffer, "was that Dan and Ed sold us out four-and-a-half years ago for \$3 million. Carter thought he'd catch us off balance when he mentioned the figure. He thought we'd say, 'you dirty bastards, you made all that money and you never told us.' But as far as I'm concerned, when two entrepreneurs start something creative and work their asses off for 10 years and live in poverty while they're doing it, they deserve all they get. It didn't worry me that they made that money."

At another point, Burden indicated that it was Fancher and Wolf who had come to him to sell the paper. But no sooner had he said it than Wolf reportedly stood up and told Burden flatly, "You are a liar." Then, said one person there, "Carter backed down and said that maybe he didn't remember it right."

Burden soon ran head-on into the staff's anxiety about the future editorial freedom of the *Voice*. Everyone associated with the paper agrees that he's been a model newspaper owner in that respect—he kept his nose out of the copy. Says assistant editor Jack Newfield, "I give him credit for never in four-and-a-half years interfering. And I've written some critical articles about important people who were Burden's friends." What the staff wanted were assurances that it would enjoy the same freedom under Felker—and that Burden would stand up for them if that freedom was ever threatened. They expressed concern that even though Burden was now the largest single stockholder in the New York Magazine Co., with 24 per cent of the shares, he is still only one vote on a board of nine. Burden responded by saying, "Well, my ex-father-in-law, Bill Paley, owns only eight-and-a-half per cent of CBS, and there's no question who's boss there."

"But," asks one writer, "is Carter Burden a Bill Paley?"

One of the biggest potential infringements on their freedom that some *Voice* people see is the presence of two "politically connected" people on the New York board—Theodore Kheel, *New York*'s attorney, and Peter Tufo, Burden's lawyer. As part of the deal, both gained director's seats. The objection to Tufo is that he was ex-Mayor Lindsay's liaison man in Washington. (He is the second Lindsay man to join *New York*'s hierarchy recently; the other is assistant to the publisher Thomas Morgan, the ex-mayor's press secretary.) The *Voice* had been highly critical of Lindsay, and some fear that if he decides to reenter politics the publication's writers may be muzzled. Tufo, however, points out that "I've been on the board of the *Voice* for three years and I don't see how it caused any problems."

The reservations about Kheel are much more substantial. Neither Felker nor Burden knew when they closed the deal that the *Voice* is

currently investigating Kheel's business activities. Mary Nichols says the first thing she thought of when she learned of the merger was the Kheel investigation, and the effect it might have on it. What was generally known—certainly the two principals should have been aware of it—was that Kheel and the *Voice* had had a run-in last fall, when the paper raised the question of whether Kheel's affiliations with banks had anything to do with his support for the transportation bond issue. Kheel says he found the suggestion "libelous," and pondered a suit, but decided against it after the paper printed what he considered a retraction. While this background suggests to some at the *Voice* that Kheel might not be the best choice to serve on the board of the company that controls them, Kheel himself doesn't see any problem. "The suggestion that I would have anything to do with editorial policy is ridiculous. No outside directors would have anything to do with editorial policy."

There are those in the publishing business who say that Felker is crazy to get mixed up with the *Voice*. They point to the phenomenal success he's enjoyed at *New York*, with a publication that has produced impressive earnings gains for its parent company, and in less than six years has risen to ninth of all magazines in total ad pages. These skeptics think that *New York* may have grossly overpaid for the *Voice*. They suggest that Felker et al. may have paid upwards of \$6 million for the *Voice*, not the \$5 million that was reported in the papers—since the 600,000 shares of stock they gave up to Burden and Bull in the deal are worth considerably more than the current market value of \$3.50 a share. "It's a classic case of an editor pursuing his own pleasures and not having his stockholders' interests as the first consideration," said one consumer magazine publisher.

Even *New York* board member Towbin, an investment banker who is generally enthusiastic about the deal, concedes that as a result of it *New York* "is not any better off financially. If anything, we're worse off, because we have less cash." Indeed, to get the cash to purchase the *Voice*, *New York* sold a profitable asset, the Tarrytown Conference Center, which had accounted for 5 cents of its 36 cents per share earnings in 1973.

Whatever the bottom line prospects of the deal, Felker is clearly on the march toward empire. Reports abound of various expansion schemes—such as the syndication of the better *Voice* and *New York* copy to magazines in other cities or, more ambitiously, the creation of new city publications entirely: *The Boston Voice*, *The Los Angeles Voice*, etc. Felker refused to be interviewed by [MORE] on the subject, but one of his writers expressed the prevailing view: "Felker wants to be another Lord Beaverbrook or Henry Luce." Or, more modestly for the moment, another Jann Wenner. The 45-year-old Felker is more than a little envious of the 28-year-old Wenner's astonishing success with *Rolling Stone*, a publication that attracts acres of national advertising with an inexpensive tabloid format that leaves ink smears on your fingers—like the *Voice*.

In fairness to Felker, a good deal of the anxiety at the *Voice* stems from the common variety of paranoia that races through all publications when their staffs wake up to find they have a new owner. If Felker keeps his promise and his hands off the unique editorial blend at the *Voice*, the troops will probably remain loyal. But if he moves in with a heavy hand, they are more than willing to dub him Citizen Clay and treat him accordingly.

The Anderson Transcripts

(continued from page 6)

transcripts. My inclination is to give them to them. But before I do, I wanted to hear your case."

Jack was playing boldly with a weak hand, but I have watched him intimidate other formidable people with that booming voice, ringing with certainty, and that stern expression of his. Titus, however, is not a man easily cowed. He challenged Jack on his view that he was constitutionally entitled to protect his sources.

"Not only would it be a violation of my professional ethics," said Jack, "for me to divulge my source, it would be a violation of my religion. The Mormon faith holds that the Constitution of the United States is divinely inspired. So I could never consent to identifying a confidential source, no matter what."

Jack had earlier expressed his respect for Judge Sirica, so Titus asked:

"Would you reveal your source if Judge Sirica ordered you to?"

"No."

"What about the U.S. Court of Appeals?"

"No."

"The Supreme Court?"

"No."

"Now, how are we to reconcile your view that the Constitution is divinely inspired with the idea that you would not obey the order of the court specifically established to determine what the Constitution holds?"

Jack was in a box, but he never batted an eyelash.

"If the Supreme Court were to order me to reveal my source, I would only have to conclude that the Supreme Court was in error," he said.

At that point, Silbert began a lengthy explanation of the reasons secrecy is required by grand juries. They were reasons well known to Jack, as they are to any experienced reporter. But he listened most attentively. When Silbert was finished, Jack spoke again.

"You've convinced me," he said. "I have no desire to interfere with the investigation of the case. And so I will agree to stop publishing direct quotes from the transcripts."

The prosecutors were apparently glad to get that commitment, but Jack wanted to push them a bit harder in an effort to make sure they didn't come after him anyway. He looked Titus in the eye and spoke.

"Mr. Titus," he said, "I want you to know that I will never tell you any more before a grand jury than I am telling you here today. So, if you now call me before the grand jury, I can only conclude that the reason is that you want to put me in jail."

Titus replied that there was nothing personal about the case, and that the court had ordered them to make an investigation.

Earl Silbert asked if Jack would return the transcripts he had. Jack agreed, but Betty Murphy objected. Titus then asked if they would be returned if Judge Sirica asked for them. The answer was yes from Jack, but Betty objected again.

"Mr. Titus, we would have to resist a court order," she said.

"Mrs. Murphy is right," said Jack.

But Jack then agreed to have his lawyers voluntarily return the transcripts to Judge Sirica. The meeting ended with an informal agreement that Jack would stop publishing documents of which he had no more to publish and would return them to the court. In exchange, the prosecutors agreed that they would call Jack before the grand jury only as a last resort.

Outside the meeting, Jack encountered a

battery of microphones and cameras. He made a statement explaining what had been agreed to. "I didn't want to hamper their investigation," Jack said, wearing his most sincere expression. "They made such a passionate point of it." He explained that he had not formally agreed to cease digging into the actions of the grand jury, but only to stop publishing the transcripts for the time being. "I have assured them," he added, "that the leaks were not in the prosecutor's office." Then who was his source? "A man with high connections in the administration," said Jack. "I didn't ask and he didn't say where he got his information."

Although the columns based on the transcripts ended that day, the publicity Jack received from the incident continued for days afterwards, largely because of Jack's agreement to stop. Even William Safire, the Nixon man who left to become a columnist for *The New York Times*, described Jack's action as "gallant." Jack ended up gaining recognition for breaking the story and nearly as much for stopping it.

I spent a month with my family at Rehoboth Beach, Delaware, that summer. One August afternoon, the beach was suddenly buzzing over the presence of a short, stocky man with black hair who was standing at the water's edge watching his young daughter play in the surf. It was Judge Sirica. It was the day after he had handed down his historic decision ordering President Nixon to produce for his inspection the White House tape recordings bearing on the Watergate case.

I had met Sirica a few months earlier at a wedding, where his daughter was the flower girl. We had talked briefly then, but I doubted he would remember. As I was walking by, however, Sirica looked at me as if he recognized me. I walked over.

"How're you makin' out?" the judge asked in his unassuming way.

"I'm fine," I said. "I guess you're tired."

"I sure am. This is the first time I've been swimming. I was here last weekend, but I didn't get to the beach. I had to spend the whole time working on this opinion I've been writing. By the way, how's Mr. Anderson?"

"He's fine," I replied, a little surprised to hear the judge asking after the health of a man who had published the transcripts of a grand jury investigation in his jurisdiction. "I was just heading down the beach to see if I could find him. He has a place down here and he's usually on the next beach."

"Well," the judge said, "give him my best."

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[MORE] is looking for an additional editor. His or her tasks will be many and varied. But high on the list will be the critical job of dealing with writers, making assignments and keeping close track of articles in progress. Modest pay and long hours—just like everyone else at the magazine. Editing experience essential. Send resume to [MORE] - 750 Third Avenue - New York, N.Y. 10017

THE BIG APPLE

Society Notes

On May 28, our favorite breakfast table companion brought us some shocking news over our omelette aux fines herbes. ELAINE'S AND 19 OTHER FOOD OUTLETS FLUNK 2ND SANITARY INSPECTION, proclaimed the five-column headline in the *Times*. Gulping hard, we read:

"Elaine's, the popular East Side restaurant that serves as a club for many of the city's best known writers and a showcase for many of its most famous celebrities, has been cited by the Department of Health for uncorrected violations and given until Friday to comply with department regulations or be closed."

All our friends were distressed. The story went on: "If the restaurant fails its final inspection on Friday, that is something that Woody Allen, Jacqueline Onassis, Bruce Jay Friedman, Tennessee Williams, Tom Smothers, Henry Ford, Valentino, Gay Talese, Liza

Minnelli, John V. Lindsay, Bobby Short, David Halberstam, Marlon Brando, Dan Jenkins, George Plimpton, Rudolph Nureyev, Willie Morris, David Steinberg, Lord Snowden, Jamie Wyeth, David Merrick, Jack Richardson, Mia Farrow, Jack Whittaker, William Styron, Frank Sinatra, Jason Robards and the entire gossip-column industry would rather not think about."

Although the story was on the "news pages" of the *Times*, it was written by Robert McG. Thomas, Jr., a "society" reporter from the paper's family/style section. His report devoted a full 16½ inches to the dismay of Elaine's patrons, including interviews with documentary filmmaker Emile de Antonio ("it's outrageous") and saxophonist Paul Desmond ("it's the silliest thing I ever heard").

The other 19 establishments flunking the inspection were relegated to two inches of agate type at the bottom of the story.

To partially redress this imbalance,

[MORE] sent its food-society editor scurrying to one of those 19: Tom's Bar at 1688 Webster Avenue in the Bronx. He found the bar's clientele in a tizzy about the fate of their favorite bistro.

"I'm aghast," said Lou Lizzio, a longshoreman.

"It's simply beastly," said Arnold Ashkenazy, a fireman.

"Where the hell am I gonna get a drink?" asked Bernie Bandellero, a television repairman.

If the bar fails its final inspection, that is something that Pasquale Passannante, Ed "Big Eddie" O'Hanlon, Glen Gleiberman, Mat Kiernan, Heinrich "the Hun" Tiefenbronner, Stanley Juskowitz, Sam Shutzbaum, Frank "the Shiv" Cuccia, Barry Birnbaum, Karl "The Knife" Kratzke, and the entire Mid-Bronx Bowling League would rather not think about.

—J.A.L.

'You Shoulda Seen The One That Got Away'

Sometime in April, *The New York Times* learned that Sen. James Buckley was planning a trip to Alaska to observe an Eskimo whale hunt in the Arctic Ocean. Metropolitan editor Arthur Gelb assigned reporter Michael T. Kaufman to accompany New York's junior senator over Memorial Day weekend. Kaufman called Buckley's office. Sorry, said press secretary Len Saffir, this is strictly a private visit. But after several more phone calls, Kaufman's persistence won him a place on the expedition—on a cost-sharing basis. He parted with approximately \$800 for plane fare and \$200 for parka, boots and sleeping bag, and agreed to pay one third of the grocery expenses, which eventually totaled nearly \$1,000. "It was clear I was going because *The New York Times* wanted me to go, not because the senator did," says Kaufman.

Kaufman's report on the whale hunt first appeared on page 1, Sunday, May 26, under the headline BUCKLEY WATCHES A WHALE HARPOONED. (In later editions the article was moved to an inside page.) Buckley was portrayed as an on-shore observer whose "movie camera had chosen the moment of the harpooning to stop working. 'Bless me,' said the senator, a man not given to strong language."

It was all too much for some readers. A May 27 *Times* editorial on Japanese and Russian destruction of the endangered whale species stated in part:

It is hard to quarrel with the immemorial right of the Eskimos to hunt whales... Nevertheless, there is something repugnant in the enthusiastic publicity-seeking of Senator James L. Buckley of New York in participating in a whaling expedition by the hunters of an Alaskan village.

And the editorial also offered some recourse:

Mr. Buckley can erase the spectacle of himself in gleeful pursuit of a bowhead if he will speak up for a ten-year moratorium on all commercial whaling and against the folly of an international commission...

Meanwhile, Kaufman returned to New York, where "the first thing my wife told me when I got home was about the editorial." In a



Timesman Kaufman, left, and Senator Buckley, on expedition to Arctic Ocean, observe approaching bowhead.

lengthy follow-up that ran on the split page May 30 (BUCKLEY BIDS FAREWELL TO ESKIMOS), Kaufman included the following paragraph:

Mr. Buckley has long been interested in the Arctic and has made several expeditions to northern Canada and to Greenland, although this trip marked the first time he had lived with the Eskimos. He made the trip because of this interest and because he had been invited to view the hunt by *The Tundra Times*, a weekly that circulates in Eskimo villages. It was not a publicity-seeking trip. The *New York Times* sought and obtained permission to accompany the Senator from Mr. Buckley's hosts.

If the editorial had not appeared, concedes Kaufman, he might not have felt it necessary to establish his relationship to the expedition "quite as categorically."

Gelb, too, was piqued. "I can imagine your response and I just want to tell you ahead of time I completely share your distress," he wrote to Buckley in Washington. "I know how difficult it was to make arrangements for a reporter to accompany you and that in fact you were not

happy with the idea and had no part in arranging it."

Still, outrage persisted in the Buckley office over the editorial, including some talk of a "New York Times conspiracy" against the conservative senator. "Those guys sit up in their ivory tower writing editorials, and they don't even know what's happening," says Saffir. "They never checked the facts with this office."

The situation also compelled big brother William F. Buckley, Jr., to write a letter, published in the *Times* on June 8. Referring to the senator's alleged "gleeful pursuit" of the whale, Bill posed the question, "What was he supposed to do while his hosts were shooting the whale? Cock his eyes heavenward and recite the *De Profundis*?" An unusual editor's response conceded that the *Times* had in fact proposed covering the expedition, but then threw one final harpoon: "The fact remains that the junior Senator from New York lent himself, however unwittingly, to glamorizing the whale hunt."

—C.C.

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